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**VOL. X.—PART II.**

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**CONTAINING**

**ORIGINAL ARTICLES ON LEGAL SUBJECTS,  
ALL IMPORTANT STATUTES,  
THE RULES AND ORDERS OF THE VARIOUS COURTS,  
THE GAZETTES, CAUSE LISTS,  
AND MISCELLANEOUS LEGAL INFORMATION,**

**FOR**

**THE YEAR 1846:**

**WITH AN**

**ALPHABETICAL LIST OF BANKRUPTS,**

**AND**

**INDEX OF PRINCIPAL MATTERS.**

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# The Jurist

No. 471—VOL. X.

JANUARY 17, 1846.

Price 1s., with Supplement, 2s.

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Privy Council .....	{ H. W. CRIFFS, Esq. of the Middle Temple, Barrister at Law.		{ J. PULLINE, Esq. of the Middle Temple, Barristers at Law.
The Lord Chancellor's Court .....	{ E. T. HOOD, Esq. of the Inner Temple, Barrister at Law.	Queen's Bench Bail Court	{ A. V. KIRWAN, Esq. of Gray's Inn, Barrister at Law.
Master of the Rolls Court	{ G. Y. ROBSON, Esq. of the Inner Temple, Barrister at Law.	Court of Common Pleas, including Appeals under Registration of Voters Act....	{ D. POWER, Esq. of Lincoln's Inn, Barrister at Law.
Vice-Chancellor of England's Court .....	{ TENISON EDWARDS, Esq. of the Inner Temple, Barrister at Law.	Court of Exchequer ....	{ W. M. BEST, Esq. of Gray's Inn, Barrister at Law.
Vice-Chancellor Knight Bruce's Court .....	{ W. W. COOPER, Esq. of the Inner Temple, Barrister at Law.	Ecclesiastical and Admiralty Courts .....	{ J. P. DEANE, D.C.L. of Doctors' Commons.
Vice-Chancellor Wigram's Court .....	{ F. FISHER, Esq. of Lincoln's Inn, Barrister at Law.	Court of Review .....	{ W. W. COOPER, Esq. of the Inner Temple, Barrister at Law.

LONDON, JANUARY 17, 1846.

WE have had of late several instances of petition of right being presented to the Sovereign. In *Ex parte Pering*, (1 Dowl. P. C. 760), which arose upon a contract with the Admiralty, such a petition was presented, which, as Mr. Anstey observes, in a learned pamphlet recently published on this subject\*, miscarried, because, the indorsement being general, "Let right be done," the suppliant, instead of going into Chancery, went into the Exchequer, a court which had no jurisdiction to receive a petition so indorsed†.

A petition of right is, properly, the supplication of the subject, addressed to the Sovereign, for justice, in every case where, from the defect of jurisdiction of the established courts of judicature, there would be a failure of justice, if they were relied upon for granting it. It is true, that, as Mr. Anstey, already quoted, observes, "it does so happen, that, at the present day, the only case in which such failure of jurisdiction is possible is that of a pecuniary demand upon the Sovereign." But, as there are still many possible cases, such as those of *The Baron de Bode* (4 Jur. 645) and *Viscount Canter-*

*bury v. The Attorney-General*, (1 Phil. 315), in which pecuniary demands may be made on the Sovereign, the learning of petitions of right is not to be despised as utterly antiquated, nor is it undesirable that legislative provisions should be made, if necessary, for enabling the Crown practically to "do right," as well as to say, "Let right be done."

The importance of the petition of right has of course diminished with the improvement of the established judicature of the country. In the older precedents we find matters dealt with by petition of right, which would at this day be brought under the jurisdiction of the courts of law or of the Court of Chancery. But the jurisdiction is not gone, although it is most materially crippled even in the few cases to which it is still applicable, by the general inability of the Crown to do justice.

In the days when the remedy of the subject was sought frequently by petition of right, the Crown had, in fact, large revenues, large estates, large and not always defined rights. Hence arose transactions with the subjects of the realm, in which the Crown might be aggressor or aggrieved; but in which, if aggressor, and if, upon being approached by way of petition of right, it ordered justice to be done to the suppliant, it had the independent power and means of doing justice, by making compensation out of its own resources.

But, since the abolition of the independent rights of property of the Crown, and the substitution for them of a civil list, of which every pound almost is parcelled out for some settled public service or private necessity, the petition of right has necessarily fallen much into desuetude, not only because the occasions for its application have so materially diminished, but because to use it as a remedy is, in general, something like filing a bill in Chancery against an insolvent estate, in which you may get your decree, but when you have got it:

\* "Letter to Lord Cottenham," &c. By T. Chisholme Anstey, Barrister. Stevens & Norton, London.

† In this case letters-patent had been granted for an invention for improving the construction of anchors. The patent contained, as is usual in the case of inventions of a nature likely to be available for the public service, a proviso for making the same void if the patentee should not supply for his Majesty's service all such anchors as he should require, at such reasonable prices as should be settled by the Lords of the Admiralty. The Admiralty had anchors made according to the patent, and refused to give the patentee what he deemed an adequate remuneration. An application was made for a mandamus to the Lords of the Admiralty, to settle the prices and terms according to the patent. But it was refused. The next proceeding was the petition of right, which, as observed by Mr. Anstey, miscarried.



there is no fund available even for the costs, much less for satisfying the justice of the decree.

"The substitution," says Mr. Anstey, "of a civil list in the stead of the hereditary revenues, which was begun in the same reign, (Charles II), was afterwards so effectually carried out by the Revolution of 1688, that the people are now familiarised with the change, and have long since ceased to wonder, much less to feel indignant, at the iniquity and exorbitance of the concession thus wrung from the Crown, for a consideration, which, small at first, has become in every succeeding reign smaller and smaller; and which appears to have reached its minimum in the reign of her present Majesty. The change, however, has had one incidental consequence, with which it is more my present purpose to deal. In transferring to Parliament the hereditary assets of the Crown, it has indirectly defrauded the Crown of the means of contenting its duty, by doing justice to its subjects. In shackling with appropriations the beggarly price paid for the transfer, it has environed the throne with a cloud of other claims, created by the occasion, through whom the suppliant for grace and right must fight his way to the presence. Hence the sudden growth and continuous augmentation of petitions to the lower House,—and canvassing of members,—and jockeying,—and intrigue,—as means for obtaining satisfaction of claims, which should, and formerly would, have been preferred to the person of the Sovereign! Hence the sudden, and almost final and utter desuetude and oblivion, into which the petition of right has sunk; the universal ignorance of the practice—I had almost said, of the right—which now reigns amongst us!"

We cannot say that we fully sympathise with this pathetic lamentation of Mr. Anstey, the English of which is, that we are to regret that the Crown has parted with its powers of oppression, because it has, at the same time, rendered unavailable the means formerly at its disposal for remedying oppression where it had been practised. But we apprehend, that, while men may reasonably rejoice that the relations of the Crown and the subject, are placed at this day upon so definite a footing, that there can be few occasions for the exercise of the prerogative of "seeing that right be done," because there are few opportunities left for allowing wrong to be done, still it would be desirable that the Legislature should place at the disposal of the Crown the means of giving compensation, that is, of substantially doing justice, wherever, from the still remaining imperfections of our judicature, a just claim exists against the state, for which no constituted body in the state is liable except the Crown; for which, therefore, the right to seek a remedy by petition of right, undoubtedly exists, while the enforcing of such remedy is in most cases utterly impracticable, because the Sovereign, as such, has no disposable property. We trust that Lord Cottenham will redeem, during the ensuing session, the promise that has elicited Mr. Anstey's more learned than methodical essay, by instituting a parliamentary inquiry into the state of the law upon petitions of right, and bringing in such measures of amelioration, as his own great learning and experience may suggest.

## THE AMENDMENT OF THE LAW OF REAL PROPERTY.

"Leave wringing of your hands."

"*Nihil quod est contra rationem est licitum*; for reason is the life of the law—nay, the common law itself is nothing else but reason; which is to be understood of an artificial perfection of reason gotten by long study, observation, and experience, and not of every man's natural reason, for *nemo nascitur artifex*. This legal reason *est summa ratio*. And, therefore, if all the reason that is dispersed into so many several heads were united into one, yet could he not make such a law as the law in England is; because, by many successions of ages, it hath been fined and refined by an infinite number of grave and learned men, and, by long experience, grown to such a perfection for the government of this realm, as the old rule may be justly verified of it: *Neminem oportet esse sapientiores legibus*,—no man out of his private reason ought to be wiser than the law, which is the perfection of reason." (Co. Litt. 97. b.)

"The knowledge of the law is like a deepe well, out of which each man draweth according to the strength of his understanding. He that reacheth deepest, he seeth the amiable and admirable secrets of the law. And as the bucket in the depth is easily drawn to the uppermost part of the water, (for *nullum elementum in suo proprio loco est grave*), but, take it from the water, it cannot be drawn up but with great difficultie; so, albeit beginnings of this study seem difficult, yet, when the professor of the law can dive into the depth, it is delightful, easie, and without any heavy burthen, so long as he keepe himselfe in his own proper element." (Id. 71. a.)

"The constant practice of conveyancers, which great and eminent judges have considered to be no mean evidence of the law." (Per Lord Langdale, *Tullett v. Armstrong*, 1 Beav. 1.)

We experience, in recurring to these and similar visions of our legal youth, the same melancholy pleasure with which we call back the fairy tales and heroic legends which amused our actual childhood; and in both cases the reminiscence is accompanied with the sad reflection, that the law reformer and the schoolmaster, each in his own way, have taken effectual measures for securing all future generations from the seductions of the like pleasing illusion.

"And babes unborn shall rue the day,  
When Brougham of law and lore made play."

Of the causes of these undesirable effects, that which has banished the mythology of the nursery is the least exceptionable. The antiquated lover of these antiquated fictions may, at least, console himself with the reflection, that the object of his affections remains unchanged—dead only to vulgar fame; but the conveyancer feels a deeper pang when he beholds his goddess falling into contempt, not from popular fickleness, but through the decay of her own attributes. No attorney's messenger, who has access to the statutes of the last few sessions, or hears the jokes that are made upon them in the office, will be so green as to take in Lord Coke's boast above quoted, or to receive any other reading of Finch's celebrated aphorism than this: "The sparks of all sciences in the world are raked out in the ashes of the law."

The case assumes a more desperate aspect, when we perceive that the divine patient has been reduced to this state, not through the meddling of ignorant quacks, but under the ministrations of men of high reputation, acting with the sanction of the Lord Chancellor,—a leading conveyancer and Queen's counsel and others,—whom, as they have avowed themselves, we may name—

Messrs. Hayes, Christie, and Bellenden Ker\*. Mr. Ker has expounded the views of himself and his colleagues in a letter to the Lord Chancellor, which has been given to the world, and which, if its authority is to be received, effectually disproves the boast of conveyancers, that their practice is regulated by the rules of an exact science. The letter has not been settled with a view to conciseness; and we can, therefore, afford space only for a few extracts.

After premising that the commissioners (as we may call them) have reviewed the Act to facilitate the Transfer of Property, with the intention, first, of confining it to points which may safely admit of being separately treated, and, secondly, of legislating upon those points with greater accuracy and perspicuity, Mr. Ker proposes altogether to omit the 9th and 10th sections of the Transfer Act.

"First, as regards the 9th section, which provides for the conveyance of a mortgaged estate by the executor or administrator of the mortgagee, *the design is good*; but it is so imperfectly carried out by the very limited terms of the enactment, that, practically, the power is attended with very little real advantage. It is necessary, for the purposes of title, to ascertain that possession has not been taken, that no action or suit is pending, and that the legal estate is vested in the real representative of the mortgagee. But it is obvious that the necessity of proving these facts, and, particularly, the fact of the legal estate being vested in the real representative, (the very difficulty being that the heir is unknown), destroys in a great measure the utility of the enactment. The clause, besides, authorises a conveyance only on actual payment to the executor or administrator of the whole debt, not extending to a conveyance on part payment, or a conveyance under any arrangement for exonerating the whole or part of the land without payment; nor to cases where the money has been paid in the mortgagee's lifetime, or the executor has received the money at a former period, or has assumed to a bequest of, or has assigned, the debt. And, moreover, as the power—a bare statutory authority—is not conferred on the praying executor alone, it might be considered (though not, we think, on a just view of the provision) necessary to its due execution that an executor who has not proved, or had even renounced the probate, should join; a possible construction, which would not only narrow still further the range of the power, but probably implicate many titles depending on the contrary assumption."

After pointing out other deficiencies in the language of the clause, he thus proceeds: "Then, as regards the principle involved in this section of the act, if it be fit that a mortgagee's executor or administrator (who, after being paid in full, has no further interest in the matter, and who, as he might, be it observed, have recovered the debt, although unable to make or procure a reconveyance of the estate, may refuse to exercise the statutory power vested in him, as a mere instrument, for the convenience of others) should be enabled by his act to denude the heir or devisee of the legal estate, and vest it in the mortgagor or his nominee, it must, a fortiori, be fit that the unpaid executor or administrator should be enabled to command the legal estate for the purposes of the security, and the better administration of that portion of the assets of his testator or intestate."

After pointing out other directions in which the principle is capable of beneficial extension, the learned commissioner says: "Having arrived at the conclusion, that a free yet well-considered application of the principle already admitted by the Legislature is of the very essence of a wise and just amendment of the law of real property, no attempt has been made to fit the existing clause to the particular case at which it aimed. If, however, it should be deemed expedient to make a par-

tial application of the principle,—to amend the law by engraving upon it an anomalous provision,—the 9th section of the Transfer Act may be so modified as to attain more perfectly the very limited objects of its framers."

The commissioners recommend that the act should be repealed, and the clauses of which the policy is unexceptionable be re-enacted in a different form. They then go into detail; and, as to the 9th section, after shewing that its policy is unexceptionable, nay, essential to a wise and just amendment of the law, they conclude with "making no attempt." They think the object very desirable and very attainable, but they cannot make the effort necessary to attain it: it would fatigue them; put their faculties into a very unprofessional fluster, and take too much time. As any substituted provision would require to be "well considered," they decline the attempt. The summa ratio of a lawyer, directed to the task of amendment, becomes summa imbecillitas!

With regard to the 10th section, authorising trustees and surviving mortgagees to give discharges for money, the commissioners observe, that it could never have been intended that it should have the extensive operation which its words import, and they point out the limited and, as they admit, beneficial effect which was intended; but, as the clause to be restrained to such limited and beneficial operation would "require considerable alteration," they propose to omit it altogether! We hope that the treatment which the public experience at the hands of these gentlemen, after obtaining, through the intercession of a Lord Chancellor, the privilege of having its business done by them, is not a sample of what their private clients have to expect. What would an intending testator say, if his instructions were returned with the following marginal observation:—"This would be a very beneficial arrangement, but, as any attempt to carry it out would require to be well considered, we advise that it should be abandoned"?

What remains of Mr. Ker's letter is criticism on the construction of the clauses which are considered by the commissioners to be objectionable only in point of expression. As this is peculiarly the province of a lawyer, it is in this part of the letter that we must expect to find the "perfection of reason" promised by Lord Coke. We pass over the solemn discussion of the childish question as to progressive duty, which, it seems, some one raised on the 2nd section of the Transfer Act, and come to these observations on the same section:—

"When it is said that 'any person may convey by any deed, without livery of seisin or enrolment, or a prior lease,' it seems to be assumed that there is, in law, some standard instrument by which, with the addition of any of the above concomitants, the immediate freehold in lands may be conveyed; but there is, in fact, no such instrument in law. There are (besides a covenant to stand seised) three several assurances adapted to convey it, viz. feoffment, bargain and sale enrolled, and lease and release—all founded on different principles, differing in their modus operandi, and having an important difference in their effects. If the deed of conveyance established by the Transfer Act be a new statutory assurance, which is neither a feoffment nor a bargain and sale, nor a lease and release, it is merely nugatory to provide that such assurance shall be effectual 'without livery of seisin, enrolment, or prior lease'; for the forms and solemnities in question have not the slightest significance with reference to such a conveyance. While if, on the other hand, it be consi-

\* Surely not. If the consequence of omitting the nonsensical words "without progressive duty" has been to oblige the Lord Chancellor to crave the assistance of three learned conveyancers to insert them, the insertion of the equally useless words "without livery," &c., may be justified.

\* See Davidson's *Conveyance Precedents*, p. 10.

dered that the framers did not intend to introduce any new assurance, but only to exempt the existing assurances from useless and troublesome forms, the inattention to principle in the structure of the section is equally apparent; for it is not clear that it would not be necessary to attribute to the assurance the character either of a feoffment without livery, or a bargain and sale without enrolment, or a release without a lease for a year; and there seem to be no means of ascertaining to which of the three kinds of assurance the conveyance under the act would belong."

There is more in the same style, with which we will not trouble our readers. Here, again, we hope that the learned commissioner makes a distinction between the public and individuals as clients; for we can imagine the perplexity of an executor selling real estate, under a testamentary power "to sell and convey to the purchaser, without the necessity of the concurrence of the testator's heir or the legatee of the produce," if he were asked by Mr. Ker, whether his conveyance was to operate as "a standard instrument," or as a conveyance by the heir, or as a conveyance by the legatee?

With respect to feoffments, the commissioners think that the omission in the former act to require the solemnity of a deed was not well advised. They think, moreover, that, though wax or wafers are essential in the case of an adult, an infant conveying under a custom should not be trusted with such matters. We can understand why wax is interdicted; but, as an infant cannot burn his fingers with wafers, we contend that a distinction should have been made.

The reasoning by which it is attempted to be shewn that the repealed enactment, as to indenting deeds, was objectionable, is curious, but too long for extraction. We cannot let it pass, however, without protesting against the position, that a deed-poll cannot operate by way of estoppel.

From the observations on the provisions as to the conveyance of executory estates we must make one extract:—"As the 22nd section of the stat. 4 & 5 Will. 4, c. 92, for the abolition of fines and recoveries, has provided, in terms somewhat different, for the conveyance of contingent interests, we have deemed it advisable to confine the 6th section of the proposed bill to England. The terms of the enactment for Ireland have not been pursued, because it appears to be so framed as to enable the original taker of a contingent interest to assign it, but not to confer on his assignee a similar power." In other words, "As there is an opportunity of having two different provisions for effecting the same object in different parts of the empire, we have thought it advisable to embrace it." Perhaps, before the next session, the Lord Chancellor may instruct the learned commissioners to prepare a bill "for assimilating the Laws of England and Ireland, with respect to the Conveyance of contingent Interests."

We have not left ourselves room in this Number to do justice to the observations on the protection of contingent remainders, the consideration of which, and also of some questionable positions on the assignment of attendant terms contained in Mr. Joshua Williams's able "Remarks on the Acts of the Session 8 & 9 Victoria relating to Real Property," and on Lord Brougham's Conveyancing Acts, contained in the last Number of the Law Review, we reserve for another paper. We have animadverted freely on the manner in which the Lord Chancellor's deputies have discharged their trust; for we are quite sure that the business of no private client of any of these gentlemen was ever slurred over with such indolent carelessness, and we do not see why the public, when in its capacity of client it receives more scurvy treatment than any of its individual members would submit to, is to acquiesce in deferential silence.

(To be continued).

## Correspondence.

### OBSERVATIONS ON THE BARON DE BODE'S CASE, WITH REFERENCE TO SOME DOCTRINES OF INTERNATIONAL LAW.

TO THE EDITOR OF THE JURIST.

The case of the Baron de Bode, in which judgment was lately given by the Court of Queen's Bench against the claimant, has attracted not less attention on the Continent than in England. Besides the practical application of the law of nations, as it resulted from the treaty of Westphalia, and the subsequent treaties between the European powers based upon it, it brings before us the municipal laws of three great countries—England, Germany, and France; and the peculiar conflict of laws it displays, renders it one of the most interesting international cases that has ever been decided by a court of justice: indeed, it is rather an European than an English case. For these reasons, and, as having been concerned in the case as one of the foreign advocates who at the trial at bar last year, gave evidence to the foreign law, I am sure you will pardon my offering for insertion in your valuable publication a few observations on some points of international law which the case presents to view.

I, of course, assume that Lord Denman (for whom every one feels the highest respect) has, in his judgment, strictly applied the English law; and, as far as can be collected from the reports of it at present accessible, the principal grounds, in an international point of view, on which the court refused to give judgment for the claimant are these: that, by the treaties of 1786, 1814, and 1815, a British subject, whose property had been confiscated during the French Revolution, or detained in France, could only claim indemnification in case such confiscation or detention was contrary to the laws of France; that, from the facts as alleged by the Baron, and found by the jury at the trial at bar, the court could not collect that the property had been *unduly* or *illegally* confiscated; that, by the Baron's own shewing, it, on the contrary, appeared that the confiscation had taken place by the adjudgment of some French tribunal on the ground of the claimant emigrating to, or rather taking refuge in, the Austrian army, whilst the latter was invading the soil of France: that the Baron's birth could not make him so much a British subject as not to be amenable to French law, which would be inconsistent with the principles of local allegiance; that there was no complaint made of this being *unlawfully* enforced by the tribunal, though, even if there had been, the Court of Queen's Bench could not sit as a court of error on points of French law, or as a court of appeal for the revision of sentences of a French tribunal.

It appears to me that the above argumentation is based on a misconception of the meaning of some important expressions in the treaty of 1814. The words of the 4th additional article of the treaty of 30th May, 1814, between Great Britain and France, which principally concern Baron de Bode's right to indemnification, are, "induelement confisqués"—unduly confiscated. The judgment of the Court of Queen's Bench interprets this term as if it had the same meaning as "illegally confiscated," and bases on this the proposition, that the Baron de Bode had neither shewn that he had done no illegal act to justify the confiscation, nor how the Court of Queen's Bench could sit as a court of error or appeal over a French tribunal.

A foreign lawyer may well be permitted to ask, is English forensic language so vague and illogical as to confound the meanings of the words *illegal* and *undue*? It is true, that, in the English translation of the 4th additional article of the treaty of 1814, (which translation is, as far as I understand, an official one), accom-

panying the papers when laid before Parliament, the words "induement confiscués" were rendered "illegally confiscated." But the Court of Queen's Bench appears to have been well acquainted with the words in the original sense: and in the judgment both the words "unduly" and "illegally" are used without distinction, as having one and the same meaning. I apprehend that the word "illegally" (*illegalement*) was intentionally *not* used in the 4th article of the above convention, but the word "induement," which is very far from meaning the same thing. Could the governments that were parties to the treaties of 1814 and 1815, by which the war against the French Revolution was terminated, intend that any one of the confiscations inflicted by the public authorities of revolutionary France should be legal in the true sense of the word, incurring thereby the necessary inference, that the acts of the Revolution were regarded as legal by the very governments who had fought so many battles against revolutionary France, and were then on the point of restoring to her the old order of things? Supposing that the words "unduly confiscated" were not a mere diplomatic phrase, but that they were given to convey some practical meaning; this meaning, and the sense to be ascribed to them, can amount to nothing more than to afford some guarantee to France, that, on the part of England, no wanton claims of indemnification should be raised,—no claims which were not justified by circumstances.

The French confiscations for emigrating in order to evade the working of the Revolution and its dangers, had more the nature of political measures against those who were opposed to the principles of the Revolution, than of judicial proceedings for offences against the law of France. In the eyes of the parties to the restoration, by whom the conventions of 1814 and 1815 were concluded, the confiscations can never have appeared in the character of legal acts. This cannot have even been the case with respect to Frenchmen, who owed natural allegiance to their sovereign, how much less, then, with respect to foreigners, who, as mere *subditi temporarii*, owed only temporary obedience to French laws during the time of their actual residence in that country,—who were under no obligation of positive law whatever to fight for the revolutionary government, but who might leave the country and go wherever and whenever they pleased? The Baron de Bode is no Frenchman, and could offend against no French law by leaving France and seeking refuge in the Austrian army. His allegiance to the French sovereign power was no other than that of any other foreigner. His being the owner of a landed estate within the territory of France made no change in that respect, for the possessing landed property does not in itself, according to the law of the continental states, constitute allegiance. By the law of almost all continental states, foreigners may own landed property; but their position with respect to the government is not affected by such ownership; it remains the same as that of other foreigners. A foreigner possessing landed property is bound to plead to all real actions, and answer all claims concerning his estate; but in all other respects he only owes obedience to the laws of the country for the time of his residence there. But the Baron de Bode stood, as a member of the German immediate nobility, in a peculiar position, which made him even less than the generality of foreigners, dependent on French law. His lord paramount was the Archbishop of Cologne, and he possessed the privilege of his estate, though lying within the territory of France, *not being* subject to French law. He had that privilege by the treaty of Westphalia, that is to say, by the *positive law of nations*; the independence of the immediate German nobility possessing estates in Alsace from the sovereign power of France having been guaranteed by all treaties between the European powers, from the

treaty of Westphalia to the French Revolution. Certainly no other English-born subject, who possessed property in France, stood in so favourable and exceptional a position with respect to French law, as the Baron de Bode; and if the confiscation of his property was not "*undue*," then I do not know what other confiscation of English property could have been so.

The Court of Queen's Bench maintains that it has no right to sit as a court of error or appeal over a French tribunal. The correctness of this principle cannot be denied, and ought to constitute a part of the municipal law of all nations. It certainly is most objectionable to find the courts of justice of some of the continental states, especially of France, arrogating to themselves the authority of sitting as in some sort courts of appeal over foreign sentences. From that principle, as laid down in the judgment of the Court of Queen's Bench, it does not, however, in the least follow, that a court is bound to *acknowledge* and *uphold* all foreign sentences, without distinction, which may be alleged by parties in actions at law. This would, indeed, be a novel principle in the law of nations. On the contrary, it must be regarded as a general rule of the law of nations, that no state will execute or impart any validity within its territory to a sentence by which one of its own subjects has been grossly injured. By acknowledging this principle, and declaring that the Baron de Bode had, by the confiscation of his property, been grossly injured in his rights by a French tribunal, the Court of Queen's Bench would not have in the least assumed the authority of a court of error or appeal over a French sentence.

C. G., *Advocate*.

We have great pleasure in inserting the foregoing observations on the Baron de Bode's case, communicated to us by a foreign advocate. Our readers will not, however, take it for granted that we coincide in the view of our learned correspondent. The distinction that he makes between "induement" and "illegally" is, we apprehend, not one of which a court of law in this country, nor, as we apprehend, in any country, can take notice, even if it exists at all, which we doubt. "*Induement*" means that which ought not to be; *ce qui ne doit pas se faire*; ou, *qui ne doit pas être*. Now, in the legal language of England, and again we apprehend of all civilised countries, that which ought not to be, is illegal; for a court of law can take no cognisance of what ought or ought not, politically speaking, to be done. Nor are we at all aware that the government of this country, although repudiating the *political* validity of the government of republican France, necessarily denied jurisdiction to courts of justice acting under the authority of that government.

Again, our correspondent argues, that, although it may be admitted that a court of justice in one country, cannot sit as a court of appeal from the decision of a foreign court, yet it ought not, as a matter of course, to *uphold* the decision of every foreign court. But how is a court to inquire into the propriety of the finding of a foreign court, unless it does arrogate to itself the jurisdiction to sit as a court of appeal over it? There can be no right of inquiry, unless there is a right of redress; and to claim a right of redress, is to claim a right of reversing the judgment of the foreign tribunal. There can, we apprehend, be no medium between claiming the right to review, and to reverse, if thought necessary, the proceedings of a foreign tribunal, and refusing to disturb in any manner its decision.—*Ed.*

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MASTER IN CHANCERY.—The Lord Chancellor has appointed Frederick John Cooté, of St. Ives, Huntingdonshire, Gent., to be a Master Extraordinary in the high Court of Chancery.

## Court Papers.

EQUITY CAUSE LISTS, HILARY TERM,  
9 Vicr., 1846.

## Court of Chancery.

\*\* The following abbreviations have been adopted to abridge the space the Cause Papers would otherwise have occupied:—*A.* Abated—*Adj.* Adjourned—*A. T.* After Term—*Ap.* Appeal—*C. D.* Cause Day—*C.* Costs—*D.* Demurrer—*E.* Exceptions—*F. D.* Further Directions—*M.* Motion—*P. C.* Pro Confesso—*Pl.* Plea—*Pm.* Petition—*R.* Re-hearing—*S. O.* Stand Over—*SA.* Short.

## Before the LORD CHANCELLOR.

## APPEALS.

Strickland v. Strick-	(Ap)	Att.-General v. Masters and
land	Day	Wardens, &c. of the City of
Ditto v. Boynton	to be	Bristol (Ap)
Ditto v. Strickland	fixed.	Younghusband v. Gishborne
Millar v. Craig (Ap)	A pt. hd.	(Ap)
Forbes v. Peacock (Ap)	pt. hd.	Courtney v. Williams (Ap)
Tyles v. Hinton (Ap)		Whitworth v. Gangnan (Ap)
Miln v. Walton (Ap)		Bush v. Shipman (Ap)
Vandeleur v. Blagrove (Ap)		Black v. Chaytor (Ap)
Crosley v. Derby Gas Co.		Mitford v. Reynolds (E) } By
(Ap) A		Johnson v. Ditto (F D) } ord.
Parker v. Bakt (Ap)		Thwaites v. Foreman (Ap)
Ladbroke v. Smith (Ap)		Watts v. Lord Eglington (Ap)
Hitch v. Loworthy (Ap) S O		Curson v. Belworthy (Ap)
Coore v. Lowndes (Ap)		Watson v. Parker (Ap)
Minor v. Minor (3 Ap)		Districason v. Cabbara (Ap)
Drake v. Drake (Ap)		Bellamy v. Sabine (Ap)
Dalton v. Hayter (Ap)		Att.-Gen. v. Malkin (Cause by
Beggett v. Meux (Ap)		order)
Payne v. Banner (Ap)		Johnson v. Child (Ap)
Dobson v. Lyall (Ap)		Kidd v. North (Ap)
Moorat v. Richardson (Ap)		Dord v. Wightwick (Ap)
Millbank v. Collier (Ap for		Carmichael v. Carmichael (Ap)
want of parties)		Hawkes v. Howell (Ap)
Deeks v. Stanhope (3 Ap)		Heming v. Swinnerton (Ap)
Wiltshire v. Rabbitt (Ap)		Trail v. Bull (Ap)
Archer v. Hudson (Ap)		Yound v. Jones (Ap)
Turner v. Newport (Ap)		Wrightson v. Macauley (Ap)
Trylock v. Robey (Ap)		Carpinael v. Powis (Ap)

## Before the VICE-CHANCELLOR OF ENGLAND.

## PLEAS, DEMURRERS, CAUSES, AND FURTHER DIRECTIONS.

Nokes v. Sipping (D)	Jones v. Jones (4 causes)
Jones v. Morgan (3 Ds)	Harris v. Davison
Nicholson v. Wilson (F D, part	Parker v. Gouds
heard)	Beckwith v. Hawkins (F D, C)
Atkinson v. Jones } To fix a	Johnson v. Forrester (F D, C)
Ditto v. Manley } day	Ross v. Blink
Friswell v. King (F D, C, Ptn)	Henderson v. Eason (E)
Jan. 13.	Searle v. Law (F D, C)
Gaches v. Warner (2 causes)	Ferrabee v. Lewis (F D, C)
To fix a day	Harcourt v. M'Cabe
Mayor, &c., of Louth v. War-	Booth v. Creswick (E)
den, &c., of Louth Free	Allibone v. Jones
School To fix a day	Howell v. Reeves
Champion v. Champion To fix	Smith v. Sherwood
a day	Legh v. Legh (F D, C)
Langston v. Cosens }	Newport v. Lomas (3 causes,
Ditto v. Leaver }	E, F D, C)
Grogson v. Hindley	Parnell v. Hand (F D, C)
Roberts v. Thomas, otherwise	Smith v. Plummer
James	Attorney-Gen. v. Wright
Mayo v. Roake	Terry v. Washer
Richards v. Perkins (3 causes,	Borrodalla v. Swann
F D)	Scott v. Ditto
Att.-Gen. v. Earl of Devon	Rogers v. Rogers (F D, C)
To fix a day	Horner v. Billam
Beale v. Boot (F D, C)	Simpson v. Holt (F D, C)
Davis v. Chanter (3 causes) }	Thompson v. Michele
Davis v. East (adv. by ord.) }	Garrod v. Mpor
Hearn v. Way	Larkin v. Searle (F D, C)

Levett v. Marquis of Bath  
Smale v. Beekford  
Peacock v. Kaynot  
Morrison v. Watkins  
Patten v. Peploe  
Scaife v. Stewart (F D, C)  
Wright v. Barnwell (E, F D)  
Greenway v. Buchanan  
Walton v. Morritt  
Ring v. Roberts (F D, C)  
Parker v. Hawkes (E)  
Davison v. Bagley  
Brunton v. Neale  
Penny v. Turner  
Attorney-Gen. v. Malkin  
Giffard v. Withington  
Daniel v. Hill  
Insole v. Featherstonhaugh  
Lane v. Durant (E, F D)  
Pocock v. Johnson  
Coope v. Lewis  
Evans v. Hunter  
Pennant v. Pennant (Cause,  
Ptn)

Attorney-Gen. v. Tressarton  
Stort v. Cooke  
Blundell v. Gladstone (4 causes,  
F D)  
Dew v. Bernard  
Fish v. Palmerston  
Hodgkinson v. Barrow (F D,  
C)  
Colbourn v. Coling SA  
Fenn v. Edmonds  
Langton v. Langton (2 causes)  
Parkin v. Knight (F D, C) SA  
Higgins v. Francis  
Gowar v. Bennett (F D)  
Wallis v. Wallis  
Palmer v. Palmer  
Pawson v. Smith (3 causes)  
Gabriel v. Sturgis  
Doabfaro v. Elworthy (F D)  
Mackreth v. Williams (F D)  
Hickson v. Smith (at deft.  
request)  
Askew v. Peddle (F D, C)  
Palmer v. Pattison (F D, C)

## Before the Vice-Chancellor KNIGHT BRUCE.

## CAUSES, FURTHER DIRECTIONS, AND EXCEPTIONS.

Brydges v. Bacon (D)	Butler v. Powis (F D, C, Ptn)
Hobson v. Everett	Devies v. Price S O
Ditto v. Ferraby	Cockshott v. Cockshott
Ferraby v. Hobson	Le Blanc v. Le Blanc
Ditto v. Ferraby	Billing v. Webb (E, part hd.)
Christie v. Hodges	Jan. 12
Ditto v. Ditto	Ditto v. Ditto (F D)
Sutherland v. Cooke	Farquharson v. Cave
Ditto v. Jackson	Shields v. Boucher
Hulke v. Hulkes Jan. 22	Belle v. Pocock
Duke v. Barnett	Wilkinson v. Earle
Garside v. Edwards	Watts v. Spottiswoode
Hadfield v. Ditto	Taylor v. Butler
Dobson v. Austen Jan. 14	Nixon v. Few (F D, C)
Pierce v. Franks	Edwards v. Edwards
Early v. Benbow	Ditto v. Williams
Goodwin v. Goswell	Ditto v. Serle
Lloyd v. Waring	Burkett v. Ransom (E)
Pattison v. Pattison	Attfield v. Williams
Watts v. Hyde	Freer v. Lafargue
	Law v. Jackson

## Before the Vice-Chancellor WIGRAM.

## CAUSES, FURTHER DIRECTIONS, AND EXCEPTIONS.

Adie v. Walford	When	Hooper v. Hill Jan. 17
Walford v. Adie	Supp. Bill	Moore v. Newham (F D, C)
	set down.	Ditto v. Stafford Jan. 12
Atkinson v. Boyes	To apply	Barnes v. Johnson
to L. C.)		Morse v. Tucker
Blay v. Skipworth (F D, C)		Ditto v. George
Evans v. Evans		Ditto v. Tucker
Goodridge v. Honeywill		Mackinney v. Jones (F D, C)
Ditto v. Blackstone		Wilkin v. Townshend
Coope v. Carter		Lambeth v. Willetts
Paternoster v. Paternoster		Wilson v. Wilson
Jones v. Rose		Prendergast v. Lushington (F
Ward v. Bassett		D, C)
Ditto v. Hearn		Cathrow v. Ede
Ditto v. Benson		Ditto v. Cathrow
Allen v. Anderson		Chandler v. Brittan
Edwards v. Dodd	(F D, C)	Ditto v. Shepherd
Ditto v. Bosanquet	Jan. 12	Newton v. Sadler
Shrewsbury v. Moraby (F D,	C)	Hudson v. Dungworth
C)		Ditto v. Wilson
Barnes v. Barnes (F D, C)		Lock v. Porter
Jan. 12		Brookes v. Cotes

## COMMON-LAW CAUSE LISTS, HILARY TERM.

## Court of Queen's Bench.

## CROWN PAPER, HILARY TERM, 1846.

For Saturday, Jan. 17.

England.....	Campbell v. Reg. (in error).
Birmingham ..	Reg. v. Churchwardens of Birmingham.
Yorkshire .....	Inhabitants of Seamondren.
Ssex .....	Christopher Neville, Clerk.
Hants.....	James Smyth.
Yorkshire .....	David Smith.
Essex.....	H. J. Conyers & ora.
London.....	William Jones.
Durham.....	Surveyors of the Highways of Westoe.
Radnorshire ..	Inhabitants of Heyop.
Kent.....	Mayor of Sandwich.
Same.....	George Buchanan.
Middlesex.....	Inhabitants of Mile End, Old Town.
Shropshire.....	Inhabitants of Gourtou.
Corwall .....	Inhabitants of St. Geany's.
Yorkshire .....	Joseph Foster.
Devonshire.....	Inhabitants of Bickington.
Same.....	Inhabitants of Ashburton.
Middlesex.....	William Bond.
Wiltshire.....	Inhabitants of Bradford.
Middlesex.....	Thomas Paynter.
Kent.....	Mayor of Dover.
Yorkshire .....	Inhabitants of Keighley.
Ely.....	Inhabitants of Chatham.
Yorkshire .....	Inhabitants of Northwasm.
Devonshire.....	Inhabitants of Newton Terrars.
Surrey.....	Churchwardens of St. Mary, Lambeth.
Leicestershire..	Inhabitants of Radcliffe Culey.
Lincolnshire ..	Trustees of the river Welland.
Huntingdonsh..	Inhabitants of Molesworth.
Devonshire.....	Inhabitants of Holme.
Essex.....	Inhabitants of Saffron Walden.
Buckinghamsh..	Churchwardens of Aylesbury with Walton.
Worcestershire ..	Inhabitants of St. Peter, Droitwich.
Middlesex.....	Inhabitants of St. Giles in the Fields.

## Court of Exchequer.

## SITTINGS—HILARY TERM, 1846.

	Case.	Nisi Prius.
Monday .. Jan. 12	Peremptory Paper after Motions	.....
Tuesday..... 13	Do. before Motions	Midd. 1st Sitting
Wednesday .. 14	.....	.....
Thursday..... 15	Circuits chosen	.....
Friday..... 16	.....	.....
Saturday..... 17	.....	London 1st Sitting
Monday..... 19	Special Paper	.....
Tuesday..... 20	Errors	.....
Wednesday .. 21	Special Paper	.....
Thursday..... 22	.....	.....
Friday..... 23	.....	.....
Saturday..... 24	Crown Cases	London 2nd Sitting
Monday, .... 26	Special Paper	Ditto by adjournmt.
Tuesday..... 27	.....	Midd. 3rd Sitting
Wednesday... 28	.....	.....
Thursday..... 29	.....	.....
Friday..... 30	.....	.....
Saturday..... 31	.....	.....

## NEW TRIAL PAPER FOR HILARY TERM, 1846.

## FOR ARGUMENT.

Moved Mich. Term, 1845.	Anglesea—Hughes v. Buckland
Midd.—Bunnett v. Smith	Bucks—Doe d. Steele v. Hill
Land.—Load v. Green	Norwich—Marryat v. Barber
" Sibree v. Tripp	York—Petch v. Tutin
Northamp.—Pennell v. Stephenson	" Shaw v. Holland
Warw.—Farrington v. Stephenson	" Alder v. Keighley
" Harrington v. Grand Junction Railway Company	" Norton v. Edgley
	Northum.—Knight v. Waterford (Marq. of)
	Carlisle—Mounsey v. Mounsey
	Liverp.—Marrew v. Chapman

Liverp.—Rayner v. Grote	Croydon—Croucher v. Etherington
" Newton v. Grand Junction Rail. Co.	Cardiff—Doe d. Bippert v. Mayor of Swansea
" Taylor v. Lawrence	Chester—Harrison v. Ruscoe
" Toulmin v. Hedley	Lead.—Brown v. Wilkinsons
Exeter—Pyle v. Tartridge	Moved Easter Term, 1844.
Bridgewater—Draper v. Crofts	Liverp. Rodgers v. Maw
Bristol—Kynaston v. Davis	Moved after the 4th day of Mich. Term, 1845.
" Leonard v. Baker	
" Stacy v. Henly	
Abingdon—Cunning v. Bedborough	
Stafford—Aston v. Perkes	
Maidstone—Pratt v. Hawkins	Midd.—Hills v. Haswell
Croydon—Lillywhite v. Deversux	" Reeve v. Mitcalfe
	" Goding v. Haane

## SPECIAL PAPER FOR HILARY TERM, 1846.

## FOR JUDGMENT.

Duncan v. Benson—D.	Richards v. Easto—Sp. C.
(Heard 2nd June).	Griffiths v. Pike—D.
Slater v. Dangerfield—Sp. C.	NEW CASES.
(Heard 28th June).	Entered Hilary Term, 1846.
Bevins v. Hulme—D.	Hill v. Jennings—Sp. C.
(Heard 10th Nov.).	Doe d. Haw v. Earles—Sp. C.
Sanders v. Coward—D.	Bancroft v. Barnes—D.
(Heard 1st Dec.).	Collins v. Hopwood—D.
Brooke v. Spang—D.	Doe d. Lloyd v. Ingleby—S.C.
(Heard 4th Dec.)	Brown v. Jones—D.

## FOR ARGUMENT.

Davis v. Nutt—D.	Dean and Chapter of Ely v. Cash—Sp. C.
(To stand over till similar case disposed of in Com. Pleas).	Ollive v. Booker—D.
Offor v. Windsor—D.	Davies v. Bute (Marq. of)—D.
Ashley v. Pratt—Sp. C.	Redish v. Grote—D.
Doe d. Bute (Marq. of) v. Guest—Sp. C.	Young v. Smith—D.
	Spry v. Gallop—Sp. C.
	Goodhall v. Hirst—D.

Her Majesty has been pleased to make the following colonial legal appointments:—John Shiell, Esq., to be Chief Justice for the islands of Antigua and Montserrat; and Sir Robert Horsford, Knt., to be her Majesty's Attorney-General for the island of Antigua. Thomas Brown Wylly, Esq., to be Puisne Judge for the island of Trinidad; and George Knox, Esq., to be her Majesty's Solicitor-General for that island. R. R. Craig, Esq., to be her Majesty's Solicitor-General for the colony of British Guiana.

The Right Hon. Sir Nicolas Conyngham Tindal, Knt., Lord Chief Justice of the Court of Common Pleas, has appointed the under-mentioned gentlemen to be Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women in and for the respective counties and districts attached to their names:—Joseph Arrowsmith, of Thirsk, Yorkshire, in and for the North Riding of the county of York; Alfred Cox, of Chipping Sodbury, Gloucestershire, in and for the county of Gloucester; Hugh Bruce Campbell, of Nottingham, in and for the town and county of the town of Nottingham, also in and for the county of Nottingham; James Eldridge, of Carisbrooke, in the Isle of Wight, in and for the county of Hants; William Marshall of Plymouth, Devonshire, in and for the county of Devon; John Richard Bloxham, of Birmingham, Warwickshire, in and for the county of Warwick, also in and for the counties of Stafford and Worcester; John Edmonds, of Plymouth, Devonshire, in and for the county of Devon; Joseph Hall, of Keswick, Cumberland, in and for the county of Cumberland; Alfred Catchmayd Hooper, of the city of Worcester, in and for the city of Worcester, also in and for the county of Worcester.



## London Gazette.

TUESDAY, JANUARY 13.

## BANKRUPTS.

**CHARLES BARTLETT**, Southampton, merchant, dealer and chapman, Jan. 23 at half-past 1, and Feb. 24 at 1, Court of Bankruptcy, London: Off. Ass. Belcher; Sols. Randall, Southampton; Tilson & Squance, Coleman-street.—Fiat dated Jan. 9.

**HENRY MUGGERIDGE**, St. John-st., Smithfield, Middlesex, wire drawer, Jan. 20 at 1, and Feb. 24 at 12, Court of Bankruptcy, London: Off. Ass. Belcher; Sol. Low, 65, Chancery-lane.—Fiat dated Jan. 9.

**MARY GUY** and **HENRY SMITH**, Farringdon-street and Ludgate-hill, London, linen drapers and straw hat manufacturers, (carrying on business under the firm of M. Guy & Co.), Jan. 22 at 1, and March 7 at 11, Court of Bankruptcy, London: Off. Ass. Follett; Sols. Reed & Langford, 59, Friday-street, Cheap-side.—Fiat dated Jan. 12.

**JOHN STEVENS**, Clement's Inn, Middlesex, builder, dealer and chapman, Jan. 27 and Feb. 20 at 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Ashurst, 137, Cheap-side.—Fiat dated Jan. 9.

**MOIRA MACLEAN**, Basinghall-street, London, cloth factor, and Stroud, Gloucestershire, clothier, Jan. 27 at half-past 12, and Feb. 20 at 12, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Croom & Harris, Stroud; Valance & Beioley, Old Jewry-chambers, City.—Fiat dated Jan. 5.

**THOMAS EDWARDS**, Trewyllan-cottage, Llan-saintfrid, Montgomeryshire, surgeon and apothecary, Jan. 23 and Feb. 13 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Sols. Minshall, Oswestry, Shropshire; Evans, Liverpool; Dean & Sons, Essex-st., Strand, London.—Fiat dated Jan. 2.

**JAMES REID**, Newcastle-upon-Tyne, ship broker, (carrying on business under the style or firm of James & Andrew Reid), Jan. 29 at 12, and March 11 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Cram, Newcastle-upon-Tyne; Plumptre, Temple, London.—Fiat dated Jan. 6.

**HENRY LEVY**, Plymouth, Devonshire, tobacconist, dealer and chapman, Jan. 28 and Feb. 19 at 11, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. Lockyer & Buluel, Plymouth; Moore, Exeter; Surr & Gribble, Lombard-st., London.—Fiat dated Dec. 30.

**JAMES GILBERT GORE**, Cheltenham, Gloucestershire, innkeeper, dealer and chapman, Jan. 26 and March 2 at 1, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sol. Hill, Cheltenham.—Fiat dated Jan. 9.

**THOMAS CAREY WILLARD PIERCE** and **GILSON HOMAN**, Manchester, merchants, (trading under the firm of Pierce & Homan), Jan. 23 and Feb. 13 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Atkinson & Saunders, Manchester; Abbott, Charlotte-st., Bedford-square, London.—Fiat dated Dec. 27.

**JOHN WILKINSON**, Haslingden, Lancashire, joiner and builder, dealer and chapman, Jan. 23 and Feb. 13 at 1, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Hetherington & Woodburn, Liverpool; Humphrys & Co., 43, Chancery-lane, London.—Fiat dated Dec. 31.

**THOMAS WILDERS**, Sloane-street, Middlesex, common brewer and maltster, dealer and chapman, Jan. 27 and Feb. 24 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Everes & Co., Hatton-garden, London.—Fiat dated Jan. 8.

## MEETINGS.

*Jos. Davis*, Cannon-street; *Fleet-lane*, Farringdon-street, London, and *Baker-st.*, Portman-sq., Middlesex, gun manufacturer, Feb. 3 at 1, Court of Bankruptcy, London, last ex.—*Wm. Pringle*, Morpeth, Northumberland, carrier, Jan. 27 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—*John Chamberlain*, Lisson-grove North, Paddington, Middlesex, glass merchant, Jan. 30 at half-past 1, Court of Bankruptcy, London, and ac.; Feb. 5 at half-past 12, div.—*Sam. Cullum Bignmore*, Haveril, Suffolk, straw plait manufacturer, Feb. 5 at 11, Court of Bankruptcy, London, and ac.—*Rich. White*, Portsmouth, Hampshire, surgeon,

Feb. 6 at half-past 11, Court of Bankruptcy, London, and ac.—*Benjamin Ling*, Fore-st., Limehouse, Middlesex, timber dealer, Feb. 6 at 11, Court of Bankruptcy, London, and ac.—*Frederick Ward*, Rosoman-street, St. James, Clerkenwell, Middlesex, oilman, Feb. 5 at half-past 11, Court of Bankruptcy, London, and ac.—*Wm. Soffe*, Strand, Middlesex, print seller, Feb. 5 at 12, Court of Bankruptcy, London, and ac.—*J. L. Roper*, Rochester, Kent, linen draper, Feb. 6 at 11, Court of Bankruptcy, London, and ac.—*Charles Morgan Harman*, Millbank-st., Westminster, Middlesex, veterinary surgeon, Feb. 6 at 11, Court of Bankruptcy, London, and ac.—*William Hen. Blackmore*, Dean-st., Soho-square, Middlesex, plumber, Feb. 6 at 1, Court of Bankruptcy, London, and ac.—*J. Sculthorpe*, Brick-hall-lane, Upper Thames-st., London, colourman, Feb. 6 at 12, Court of Bankruptcy, London, and ac.—*John Evans*, High-st., Shoreditch, Middlesex, cheesemonger, Feb. 6 at 2, Court of Bankruptcy, London, and ac.—*Wm. Newton*, Bath, coal merchant, Feb. 5 at 11, District Court of Bankruptcy, Bristol, and ac.—*John Breakenridge*, Liverpool, tailor, Feb. 6 at 11, District Court of Bankruptcy, Liverpool, and ac.; Feb. 10 at 11, div.—*Ed. Rigmalden*, Liverpool, wine dealer, Feb. 6 at 11, District Court of Bankruptcy, Liverpool, and ac.—*William Doxford*, Monkwearmouth Shore, Durham, ship builder, Feb. 3 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.; Feb. 5 at 11, div.—*John Brookes Bucklee*, Kidderminster, Worcestershire, mercer, Feb. 6 at 11, District Court of Bankruptcy, Birmingham, and ac.; Feb. 10 at 11, div.—*Jas. Wenden Collyer*, Newgate-st., London, victualler, Feb. 5 at 12, Court of Bankruptcy, London, div.—*Benjamin Billing Cross*, Woodstock, Oxfordshire, glover, Feb. 5 at 1, Court of Bankruptcy, London, div.—*William Henry Shel-drake*, Ipswich, Suffolk, boot maker, Feb. 4 at half-past 2, Court of Bankruptcy, London, div.—*George Hardy*, Saint Ives, Huntingdonshire, innkeeper, Feb. 6 at 11, Court of Bankruptcy, London, div.—*Julius Caesar Mott*, Loughborough and Leicestershire, wine merchant, Jan. 30 at 1, Court of Bankruptcy, London, div.—*Evan Meredith*, Liverpool, linen draper, Feb. 5 at 11, District Court of Bankruptcy, Liverpool, div.—*John Adamson*, Stockport, grocer, Feb. 5 at 12, District Court of Bankruptcy, Manchester, div.

## CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*David Davis*, Jermyn-st., St. James's, Middlesex, dealer in regimental dresses, Feb. 7 at 11, Court of Bankruptcy, London.—*John Savage*, Old Compton-street, Soho-square, Middlesex, victualler, Feb. 5 at 1, Court of Bankruptcy, London.—*Wm. Guy Taylor* and *Elizabeth Guy*, Liverpool, Feb. 3 at 11, District Court of Bankruptcy, Liverpool.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before Feb. 3.*

*Thomas Benson*, North-place, Gray's Inn-road, and Gray's Inn-lane, Middlesex, stationer.—*Wm. Lawton Hall*, Liverpool, victualler.—*Thos. Hodgson*, Greta-bank, Thornton in Lonsdale, Yorkshire, brick maker.—*Lionel Walling*, Gilbert-st., St. George, Hanover-square, Middlesex, butcher.

## FIAT ANNULLED.

*Wm. Lewis*, Barnaley, Yorkshire, tobacconist and tea dealer.

## PARTNERSHIPS DISSOLVED.

*Walter Branscomb* and *Richard Moore Benson*, Aylesbury, Buckinghamshire, and Tring, Hertfordshire, attorneys at law and solicitors.—*Wm. Boycot* the younger, and *Henry Lucy*, Kidderminster, Worcestershire, attorneys and solicitors.

## SCOTCH SEQUESTRATION.

*Richard Hall*, Glasgow, writer.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*John Turner*, Bagshot, and Ash, Surrey, butchers, Jan. 21 at 12, Court of Bankruptcy, London.—*James Bourne*, Roebuck-place, Dover-road, Southwark, Surrey, boot maker, Jan. 28 at 12, Court of Bankruptcy, London.—*Jas. Woodward Cooper*, Park-road, Notting-hill, Bayswater, Middlesex,

clerk in the Commissariat Department, Whitehall, Jan. 28 at 12, Court of Bankruptcy, London.—*Thos. Hart*, Finchfield, Essex, coachman, Jan. 22 at 12, Court of Bankruptcy, London.—*W. S. Dodd*, Ventnor, Isle of Wight, Southampton, plumber, Jan. 28 at 12, Court of Bankruptcy, London.—*S. Dade*, Harrison-street, Gray's-inn-road, Middlesex, plasterer, Jan. 22 at half-past 11, Court of Bankruptcy, London.—*Jane M. Hynes*, Alpha-cottage, Lea-bridge-road, Leyton, Essex, widow, Jan. 22 at half-past 11, Court of Bankruptcy, London.—*Edler Phillipson*, Devonshire-street, Cambridge-road, Mincing, widow, out of business, Jan. 15 at 1, Court of Bankruptcy, London.—*Jaques Salamon*, Upper Berkeley-street, Portman-square, Middlesex, chemist, Jan. 22 at 12, Court of Bankruptcy, London.—*Wm. H. Kibble*, Orchard-cottages, Hackney, Middlesex, omnibus driver, Jan. 19 at 2, Court of Bankruptcy, London.—*John Savage*, Old Chapel-row, Kentish-town, Middlesex, tea dealer, Jan. 22 at 1, Court of Bankruptcy, London.—*Alfred Moul*, Cavalry Depot, Maidstone, private in her Majesty's Regiment of 14th Light Dragoons, Jan. 22 at 1, Court of Bankruptcy, London.—*Wm. Cannon*, Ippolitis, near Hitchin, Hertfordshire, baker, Jan. 28 at 12, Court of Bankruptcy, London.—*Jas. Fowler*, Liverpool, attorney at law, Jan. 27 at 11, District Court of Bankruptcy, Liverpool.—*Jos. Harker Lascelles*, Newcastle-upon-Tyne, labourer, Jan. 27 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne.—*J. S. Snawdon*, North Shields, Northumberland, baker, Jan. 29 at half-past 1, District Court of Bankruptcy, Newcastle-upon-Tyne.—*D. L. Walker*, Rochdale, Lancashire, tailor, Jan. 21 at 12, District Court of Bankruptcy, Manchester.—*Wm. Aloop*, Elem-vale, Fairfield, near Liverpool, agent and collector, Jan. 30 at 11, District Court of Bankruptcy, Liverpool.—*Cornelius Backhouse*, Twerton, Somersetshire, sawyer, Jan. 20 at half-past 12, District Court of Bankruptcy, Bristol.—*W. Nokes*, Birmingham, biscuit baker, Feb. 2 at 10, District Court of Bankruptcy, Birmingham.—*John B. Smith*, Shepton Mallet, Somersetshire, watch maker, Jan. 20 at half-past 11, District Court of Bankruptcy, Bristol.—*Thomas Morgan*, Darkgate, Carmarthenshire, wine merchant, Jan. 29 at 12, District Court of Bankruptcy, Bristol.—*Elizabeth Cole*, Leigh on Mendip, Somersetshire, widow, out of business, Jan. 27 at 12, District Court of Bankruptcy, Bristol.—*Wm. Brearley*, Eccleshill, Bradford, Yorkshire, beer seller, Jan. 28 at 11, District Court of Bankruptcy, Leeds.—*Thomas Webster*, Leeds, Yorkshire, plumber, Jan. 28 at 11, District Court of Bankruptcy, Leeds.—*John Cruise*, Bath, greengrocer, Jan. 29 at 11, District Court of Bankruptcy, Bristol.

*Saturday, Jan. 10.*

*The following Assignee has been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*Aaron Cloke*, Ewhurst, Sussex, journeyman to a miller, No. 66,698 C.; *James George Langham*, assignee.

*Saturday, Jan. 10.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*John Wylde*, Charles-court, Strand, Middlesex, out of business: in the Queen's Prison.—*John Hiseock*, New Church-street West, Edgeware-road, Marylebone, Middlesex, assistant to a grocer: in the Queen's Prison.—*Hannah Phillips*, Wolverhampton, Staffordshire, widow, out of business: in the Gaol of Stafford.

*The following Prisoners are ordered to be brought before the Court, in Portugal-st., on Tuesday, Jan. 27, at 9.*

*George Carter*, Portobello-terrace, Notting-hill, Kensington, Middlesex, beer seller.—*Edward George Crate*, Park-street, Borough-market, Southwark, Surrey, hair dresser.—*Leonard Leo Provo*, Francis-street, Deptford, Kent, commercial traveller.—*E. W. Acland*, Union-street, Middlesex-hospital, Middlesex, cabinet maker.—*Robert Wilson*, Watling-street, London, boot and shoe makers.—*William Simpson*, Ann's-place, Fritchard's-row, Hackney-rd., Middlesex, bricklayer.

*Jan. 28, at the same hour and place.*

*David James Marshall*, Sydenham, Kent, traveller to a brick maker.—*Thomas Bryant*, Hunter-street, Kent-street-road, Southwark, Surrey, grocer.

FRIDAY, JANUARY 16.

## BANKRUPTS.

**THOMAS LEDYARD EVILL** and **THOMAS DOWS GLASS**, Vigo-st., Middlesex, cloth manufacturers, dealer and chapmen, Jan. 29 and Feb. 27 at 12, Court of Bankruptcy, London: Off. Ass. Alsager; Sols. Dickson & Overbury, Frederick's-place, Old Jewry.—Fiat dated Jan. 12.

**ISAAC DENNING**, Titchbourne-street, St. James, Westminster, Middlesex, watch maker and jeweller, Jan. 29 and Feb. 27 at 2, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Brady, Staple Inn.—Fiat dated Jan. 8.

**THOMAS WOODYATT HOOPER**, Bathurst-st., Hyde-park-gardens, Middlesex, chemist and druggist, dealer and chapman, Jan. 29 at 11, and Feb. 27 at half-past 11, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Church, Bedford-row.—Fiat dated Jan. 9.

**ALFRED BURNETT**, Bridge-house-place, Newington-causeway, Surrey, blind maker, dealer and chapman, Jan. 27 at half-past 1, and Feb. 27 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Richardson, 36, Coleman-st.—Fiat dated Jan. 14.

**THOMAS CASWELL** and **JAMES THOMAS TINDALL**, Northampton, Northamptonshire, and Sheffield, Yorkshire, leather sellers, shoe dealers, curriers, dealers and chapmen, Jan. 27 at 2, and Feb. 20 at 11, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Dennies, Northampton; Hensman, Basing-lane.—Fiat dated Jan. 13.

**FREDERIC KERR**, Harley-st., St. Mary-le-bone, Middlesex, and Pentraheilen, Shropshire, and Peter's-terrace, Hammersmith, Middlesex, bookseller and publisher, dealer and chapman, Jan. 27 at half-past 1, and Feb. 26 at 12, Court of Bankruptcy, London: Off. Ass. Turquand; Sol. Thrupp, Winchester-buildings.—Fiat dated Dec. 30.

**WILLIAM ORCHARD**, Portsea, Hampshire, builder, dealer and chapman, Jan. 23 at 2, and March 7 at 2, Court of Bankruptcy, London: Off. Ass. Green; Sols. Low & Son, Portsea; Low, Chancery-lane.—Fiat dated Jan. 13.

**RICHARD STAFFORD**, Warnford-court, London, share agent, dealer and chapman, Jan. 23 at half-past 11, and March 7 at 11, Court of Bankruptcy, London: Off. Ass. Green; Sol. Wootton, Tokenhouse-yard.—Fiat dated Jan. 7.

**WILLIAM BUCKLEY**, Hollingrove, Saddleworth, Yorkshire, woollen cloth manufacturer, dealer and chapman, Jan. 30 and Feb. 20 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Kynaston; Sols. Redfearn, Oldham; Middleton, Leeds; Spinks, Great James-st., London.—Fiat dated Jan. 12.

**WILLIAM LAWRENCE**, Sheffield, Yorkshire, stove and fender manufacturer, Jan. 30 and Feb. 20 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Brookfield & Gould, Sheffield; Blackburn, Leeds; Parkes & Co., Bedford-row, London.—Fiat dated Jan. 12.

**THOMAS CLAY**, Longroyd-bridge, Huddersfield, Yorkshire, merchant and commission agent, Jan. 29 and Feb. 19 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sols. Battye & Clay, Huddersfield; Jaques & Edwards, 8, Ely-place, Holborn, London.—Fiat dated Jan. 9.

**THOMAS BROWN**, Leeds, Yorkshire, stock and share broker, dealer and chapman, Jan. 30 and Feb. 16 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Cariss, Leeds; Williamson & Hill, Gray's Inn, London.—Fiat dated Jan. 9.

**THOMAS WILLIAMS**, Bristol, licensed victualler, dealer and chapman, Jan. 30 at 11, and Feb. 27 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sol. Hopkins, Bristol.—Fiat dated Jan. 9.

**WILLIAM MAUD**, Liverpool, licensed victualler, Jan. 27 and Feb. 20 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Casenove; Sols. Davies, Liverpool; Rogerson, 50, Lincoln's Inn-fields, London.—Fiat dated 9.

**PETER OWEN**, Liverpool, miller, Jan. 27 and Feb. 20 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sols. Lowndes & Co., Liverpool; Sharpe & Co., Bedford-row, London.—Fiat dated Jan. 9.

**ROBERT EDWARDS WALKER**, Liverpool, ship broker, Jan. 30 and Feb. 27 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Green, Liverpool; Gregory & Co., Bedford-row, London.—Fiat dated Jan. 9.

**JOHN ALLDRITT**, Rugeley, Staffordshire, rope maker, dealer and chapman, Jan. 31 at 11, and Feb. 28 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Mottram & Knowles, Birmingham; Parkes & Co., Bedford-row, London.—Fiat dated Jan. 9.

#### METINGS.

*Phil. Phillips*, Birmingham, steel pen maker, Jan. 20 at 11, District Court of Bankruptcy, Birmingham, ch. ass.—*Chas. Wynn Davies*, Holborn, Middlesex, upholsterer, Feb. 5 at 12, Court of Bankruptcy, London, last ex.—*Forth Marine Insurance Company*, Bishopsgate-street-within, London, underwriters, Feb. 3 at 12, Court of Bankruptcy, London, and ac.—*Joseph Hamsker*, Vine-place, Tabernacle-sq., Hoxton, Middlesex, glove manufacturer, Feb. 10 at half-past 11, Court of Bankruptcy, London, and ac.—*Robert McEntire*, Pater-noster-row, London, and Barnsbury-sq., Middlesex, commission agent, Feb. 10 at 11, Court of Bankruptcy, London, and ac.—*John Cress*, Woolwich, Kent, bricklayer, Feb. 10 at 11, Court of Bankruptcy, London, and ac.—*James Gale*, Little Albany-st., Regent's-park, Middlesex, candle manufacturer, Feb. 10 at 11, Court of Bankruptcy, London, and ac.—*Hen. Hester*, Ratcliffe-terr., Goswell-road, Middlesex, tallow chandler, Feb. 7 at 12, Court of Bankruptcy, London, and ac.—*Geo. Clayton*, Queen's-place, Queen's-road, Hornsey-road, Holloway, Middlesex, builder, Feb. 7 at 11, Court of Bankruptcy, London.—*Geo. Sawyer*, Lewes, Sussex, tailor, Feb. 10 at 11, Court of Bankruptcy, London, and ac.—*Thomas Ellis*, Wisbech St. Peter's, Isle of Ely, Cambridge, shoe maker, Feb. 11 at 2, Court of Bankruptcy, London, and ac.—*Rob. Lowe*, Preston, Blackpool, Lancashire, working jeweller, Feb. 10 at 12, District Court of Bankruptcy, Manchester, and ac.—*Wm. Ockleston*, Liverpool, hide merchant, Feb. 10 at 12, District Court of Bankruptcy, Liverpool, and ac.—*Wm. Beards* and *George Beards*, Bilston, Staffordshire, maltsters, Feb. 11 at 11, District Court of Bankruptcy, Birmingham, and ac.—*John Hooker Chatterton*, Nottingham, milliner, Feb. 14 at 11, District Court of Bankruptcy, Birmingham, and ac.—*John Peach Burdett*, Uttoxeter, Staffordshire, grocer, Feb. 12 at 11, District Court of Bankruptcy, Birmingham, and ac.—*John Carrington*, Leicester, bobbin turner, Feb. 11 at 11, District Court of Bankruptcy, Birmingham, and ac.—*Wm. Henderson*, West Bromwich, Staffordshire, iron master, Feb. 11 at 11, District Court of Bankruptcy, Birmingham, and ac.—*Matt. Murphy*, Shrewsbury, Shropshire, haberdasher, Feb. 12 at 11, District Court of Bankruptcy, Birmingham, and ac.—*Edw. Bayley*, Chosewardine, near Market Drayton, Shropshire, apothecary, Feb. 12 at 11, District Court of Bankruptcy, Birmingham, and ac.—*Josiah Bird*, Coventry, fringe manufacturer, Feb. 14 at 11, District Court of Bankruptcy, Birmingham, and ac.—*James Driver*, Slawston, Leicestershire, victualler, Feb. 14 at 11, District Court of Bankruptcy, Birmingham, and ac.—*Thos. Elliott*, Earl Shilton, Leicestershire, tallow chandler, Feb. 14 at 11, District Court of Bankruptcy, Birmingham, and ac.—*John Marsh*, Brewood, Staffordshire, grocer, Feb. 12 at 11, District Court of Bankruptcy, Birmingham, and ac.—*John Mason Knight*, Rugby, Warwickshire, ironmonger, Feb. 11 at 11, District Court of Bankruptcy, Birmingham, and ac.—*Benj. Jaques*, Nottingham, *John Cotton*, Nottingham-park, Nottinghamshire, and *Thomas Barford Oliver*, Quorndon, Leicestershire, hosiers, Feb. 14 at 11, District Court of Bankruptcy, Birmingham, and ac.—*Jas. Steph. Herring*, Cecilia-place, Spa-road, Bermondsey, Surrey, builder, Feb. 7 at 1, Court of Bankruptcy, London, fin. div.—*Alex. H. Simpson* and *Pet. H. Irvin*, Blackfriars-road, Christchurch, Surrey, engineers, Feb. 7 at 1, Court of Bankruptcy, London, div. sep. est. *Alex. H. Simpson*.—*Chas. Alderton*, Brighthelmston, Sussex, tailor, Feb. 10 at 11, Court of Bankruptcy, London, div.—*Joseph Therr*, New Brentford and Great Ealing, Middlesex, paper hanger, Feb. 6 at half-past 12, Court of Bankruptcy, London, div.—*Charles Thos. Hicks*, Upper Thames-street, London, drug grinder, Feb. 10 at 1, Court of Bankruptcy, London, div.—*Wm. Young*, Milford Nursery, near Godalming, Surrey, nurseryman, Feb. 6 at half-past 11, Court of Bankruptcy, London, div.—*Jas. Pett*, Hampstead, Middlesex, carpenter, Feb. 6 at half-past 12, Court of Bankruptcy, London, div.—*Thos. Winslanley*, Lawrence-lane, London, commission agent, Feb. 6 at half-past 2, Court of Bankruptcy, London, div.—*Jas. Naylor*, Rougham, Norfolk, licensed victualler, Feb. 11 at 12, Court of Bankruptcy, London, div.—

*John Powkes*, Leicester, hosier, Feb. 11 at 11, District Court of Bankruptcy, Birmingham, fin. div.—*Jos. Maybury*, *John Maybury*, and *Jos. Maybury* the younger, Bilston, Staffordshire, iron manufacturers, Feb. 11 at 11, District Court of Bankruptcy, Birmingham, fin. div. sep. est. *John Maybury*.

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on the Day of Meeting.*

*Geo. Howes*, Milton next Gravesend, Kent, tavern keeper, Feb. 10 at half-past 12, Court of Bankruptcy, London.—*Jas. Peake*, Tolleahunt Knights, Essex, miller, Feb. 10 at 12, Court of Bankruptcy, London.—*Wm. Bellamy*, Clarence-place, Middleton-road, Kingsland-road, Middlesex, builder, Feb. 10 at 12, Court of Bankruptcy, London.—*Wm. Charity*, Alford, Lincolnshire, builder, Feb. 9 at 11, District Court of Bankruptcy, Leeds.—*Joseph Gainer*, Bridgend, Stonehouse, Gloucestershire, dyer, Feb. 9 at 12, District Court of Bankruptcy, Bristol.—*Geo. Atkins*, Liverpool, brewer, Feb. 6 at 12, District Court of Bankruptcy, Liverpool.—*Thos. Oxtan*, Liverpool, cart owner, Feb. 10 at 12, District Court of Bankruptcy, Liverpool.—*Rich. Bentley*, Liverpool, hosier, Feb. 10 at 11, District Court of Bankruptcy, Liverpool.—*William Ockleston*, Liverpool, hide merchant, Feb. 10 at 11, District Court of Bankruptcy, Liverpool.—*Thos. Ashworth*, Manchester, common brewer, Feb. 9 at 12, District Court of Bankruptcy, Manchester.—*Mich. Septimus Keyworth*, Manchester, common brewers, Feb. 9 at 12, District Court of Bankruptcy, Manchester.—*Mark Cooke*, Denton, Manchester, joiner, Feb. 3 at 12, District Court of Bankruptcy, Manchester.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before Feb. 6.*

*Sophia Smith*, Garboldisham, Norfolk, grocer.—*William Webber*, Horndean, Catherington, Hampshire, grocer.—*Hen. Worth*, Tetnes, Devonshire, draper.—*Henry Bremwick*, Leamington Priors, Warwickshire, grocer.—*John Kirby*, Kirkheaton, Yorkshire, fancy manufacturer.—*Wm. Perfit*, Bristol, engineer.

#### PARTNERSHIP DISSOLVED.

*Chas. Dodd*, *John Thos. Rowell*, *Thos. Grueber*, and *Ch. A. Dodd*, attorneys and solicitors.

#### SCOTCH SEQUESTRATION.

*Geo. Borrowman*, dec., Hawick, draper.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*George Nash*, Winchcomb, Gloucestershire, stone mason, Feb. 13 at 11, District Court of Bankruptcy, Bristol.—*Sam. Hargreave Shaw*, Berth, Denbighshire, out of business, Jan. 20 at 11, District Court of Bankruptcy, Liverpool.—*Edward Busch*, Manchester, book keeper, Jan. 27 at 12, District Court of Bankruptcy, Manchester.—*George Waller*, Liverpool, butcher, Jan. 20 at half-past 11, District Court of Bankruptcy, Liverpool.—*Ann Dobbs*, Manchester, eating-house keeper, Jan. 24 at 12, District Court of Bankruptcy, Manchester.—*Fred. Russell*, Newcastle-upon-Tyne, publican, Feb. 3 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Hen. Giles* the younger, Holywell-lane, St. Leonard, Shoreditch, Middlesex, butcher, Jan. 28 at 12, Court of Bankruptcy, London.—*John Dyer*, Brompton, Gillingham, Kent, assistant, Jan. 28 at half-past 12, Court of Bankruptcy, London.—*J. Hutchin*, Norwich, clog manufacturer, Jan. 30 at 11, Court of Bankruptcy, London.—*Wm. Wiffen*, Ingate-stone, Fryerning, Essex, plumber, Jan. 30 at 11, Court of Bankruptcy, London.—*Thomas Barrow Collins*, Greenwich, Kent, bookkeeper, Jan. 30 at 11, Court of Bankruptcy, London.—*John Simpson*, Scarborough, Yorkshire, boot maker, Jan. 28 at 11, District Court of Bankruptcy, Leeds.—*Hewland Pearson*, Scarborough, Yorkshire, livery-stable keeper, Jan. 26 at 11, District Court of Bankruptcy, Leeds.—*Chas. Henry Payne*, Uphill, near Bridgewater, Somersetshire, Esq., Feb. 5 at 11, District Court of Bankruptcy, Exeter.—*Wm. Collins*, Grace's-alley, Wellclose-square, Middlesex, licensed victualler, Jan. 22 at 1, Court of Bankruptcy, London.—*W. Atkins*, Well-st., Cripplegate, London, assistant to a farmer, Jan. 21 at 1, Court of Bankruptcy, London.—*Wm. Clarke Ford*, Beaumont-square, Mile-end-road, Middlesex, professor of

music, Jan. 21 at half-past 1, Court of Bankruptcy, London.—*T. Thompson*, Cheddleton, Staffordshire, farm labourer, Jan. 22 at half-past 10, District Court of Bankruptcy, Birmingham.—*Thos. Adenson* the younger, Nottingham, baker, Jan. 23 at half-past 10, District Court of Bankruptcy, Birmingham.—*Wm. Jones*, Chester, wheelwright, Jan. 20 at 11, District Court of Bankruptcy, Liverpool.

Wednesday, Jan. 14.

Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—

(On their own Petitions).

*Jas. Young*, Duke-st., Aldgate, London, licensed victualler: in the Debtors Prison for London and Middlesex.—*Rich. T. Bendrey*, Brick-lane, Spitalfields, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*John Dunn* the elder, Margaret-st., Cavendish-sq., Middlesex, surgeon dentist: in the Debtors Prison for London and Middlesex.—*Wm. Hayler*, Somerset-place, Beven-den-st., Hoxton New-town, Middlesex, coach maker: in the Debtors Prison for London and Middlesex.—*John Skafj*, Moor-terrace, New Peckham, Surrey, clerk in the General Register Office, Somerset-house: in the Debtors Prison for London and Middlesex.—*Wm. Thos. Rickett*, Bell-yard, Temple-bar, Fleet-st., London, superintendent of a smith: in the Debtors Prison for London and Middlesex.—*Thos. H. Giles*, High-street, Bow, Middlesex, coachman: in the Debtors Prison for London and Middlesex.—*Hen. Lacey*, Liverpool, stationer: in the Gaol of Lancaster.—*Wm. Kingsland*, Canterbury, carpenter: in the Gaol of Canterbury.—*Geo. Snow*, Bath, out of business: in the Gaol of Wilton.—*Thomas Turner*, Penarth, New-town, Montgomeryshire, farmer: in the Gaol of Montgomery.—*Joshua Knight*, Luton, Bedfordshire, chemist: in the Gaol of Bedford.—*Wm. Swift*, Southampton, bricklayer: in the Gaol of Southampton.

#### INSOLVENT DEBTORS' DIVIDENDS.

*Joe. Fleck*, Thorpe, Norwich, civil engineer: 1s. 1½d. in the pound.—*Thos. Bowmer*, Derby, hosier: 8½d. in the pound.—*Rachel Graves*, Russell-pl., Old Kent-road, Surrey, widow: 1s. 0½d. in the pound.—*Adolphus Warren*, Portpool-lane, Gray's Inn-lane, Middlesex, attorney at law: 6½d. in the pound.—*Wm. Gamble*, Bristol, supercargo to the brig Rowena: 1s. 1d. in the pound.—*Eliza Hurlock*, Chichester, Sussex, fancy stationer: 4s. 8½d. in the pound.

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Printed by WALTER M'DOWALL, PRINTER, residing at No. 4, Pemberton Row, Gough Square, in the Parish of St. Bride, in the City of London, at his Printing Office, situate No. 5, Pemberton Row aforesaid; and Published at No. 3, CHANCERY LANE, in the Parish of St. Dunstan in the West, in the City of London, by HENRY SWEET, LAW BOOKSELLER and PUBLISHER, residing at No. 11, John Street, Bedford Row, in the County of Middlesex. Saturday, January 17, 1846.

# The Jurist

No. 472—VOL. X.

JANUARY 24, 1846.

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LONDON, JANUARY 24, 1846.

It has been, and is, too much the fashion in writings professing to point out the course of study fitted to form an accomplished Barrister, to lay out a map of so immense a field of knowledge, that every one, with common sense, must see the impossibility of any one man having time and strength to travel over it; and must suspect either that the writer has written without thought, or that his object in writing has been, not to tell the student really what he ought to do, but to astonish his readers with a picture of the wonders that he the writer must be supposed to have performed.

Even Mr. Warren, in his delightful book on Law Studies,—a book containing much sound wisdom, not the less practical because it is clothed in the language of enthusiasm,—even Mr. Warren, who, to use a homely expression, “ought to know better,” and does know better, stretches out before the appalled student such a fearful list as must make any man think, if he is not too much stunned by the disclosure to think at all, that, to become a Barrister qualified to plead with credit, and to satisfy the other exigences of a Barrister's position in the world, requires the intellect of a demi-god, and the habits of one who, like the miraculous child of Zanoni, can be ever smiling, ever thoughtful, and ever sleeping\*.

Mathematics, chemistry, history, political economy, logic, and a dozen other things, appertaining both to abstract science and to its practical application, are prescribed as the discipline and the preparation for studying the law. And when we come to the great study itself, then so many books are prescribed as part of the

necessary course of reading, that, to believe in the truth and soundness of the doctrine thus laid down, one must adopt the maxim, “Credo quia impossibile est.”

It should not be forgotten, in planning the destinies of a young lawyer, that the greatest men are not those who *know* most, but those who can *do* most; that he who is for ever reading, can have no time for thinking, for organising and classifying his knowledge, and for so incorporating it with his mind, that it becomes a part of him, and can be used at a moment's notice with vigour and precision.

A certain amount of classical and scientific knowledge is undoubtedly proper, not to form the Barrister in particular, but to form the gentleman; and, undoubtedly also, occasions will occur, in the career of a lawyer, as well as of the members of many other professions, in which unforeseen events may call for knowledge, which, if he does possess, the better for him; but the possibility that a lawyer may have to deal with a case involving chemical or mechanical, or even military, knowledge, is no more a reason for his attempting, before entering upon the study of the law, to be well acquainted with chemistry, or mechanics, or fortification, and gunnery and strategy, than the possibility that an officer may be called upon, as military secretary to a colonial governor, to preside as Vice-Chancellor over a colonial court of equity, would be a reason for every young gentleman destined for the army, being told to read Story's Equity Jurisprudence, Mitford on Pleading, and Daniell's Practice, &c., before he could creditably go to Sandhurst or to Woolwich.

The true course for a man intending to go to the bar, is, we believe, this: assuming that he is prepared by a liberal education, such as no gentleman ought to lack, let him, both before commencing and while pursuing his purely legal education, select those branches of human knowledge for which he feels some love; and,

\* Those, if any, of our grave readers, who ever read such light works as novels, are referred, for the illustration of this allusion, to Sir Edward Lytton Bulwer's extraordinary piece of mysticism, called “Zanoni.”

if he feels no love for any in particular, then let him select those which tend to historical and political instruction. Let him, on these subjects, acquire knowledge by the careful reading and re-reading of a few of the best books that treat of them, (there are not in any branches of human knowledge a great many good books), and by thinking of the subjects of those books in the intervals of time not necessarily devoted either to professional study or to pure amusement. In this way an *able* man may become, by the time he has reached mature manhood, tolerably profound and accomplished in some *one or two* departments of human knowledge, besides that which he professes, and may be able to wield the knowledge that he has so acquired for the benefit of his clients and of his own reputation. They who can do even this, do much; and they who can do more, must be preternatural men, men of whom there is not one born in an age.

With regard to professional reading, we should recommend the same principles to be kept in view, modified, of course, by reference to the consideration, that, as a man applies the largest portion of his time and mental labour to the subject of his professional pursuit, he can of course extend his researches more widely therein than in any other field of inquiry. However we are not, for the *student*, advocates of *extensive* reading, but rather of repeated and thoughtful reading, and above all, at the commencement, of *difficult* reading\*. The good books which unfold the principles of the law are few, and the object of the incipient lawyer should be to saturate his mind with principles. It would be far better, for instance, for a student intending to acquire a knowledge of equity pleading, to read again and again Lord Redesdale's Treatise, and the chapters on pleading in Daniell's Practice, than to run through these works and everything that is said about equity pleading in a variety of other practical works,—all useful in their way, and fit to be consulted in after years in the transaction of business, but all repetitions of the matters contained in the two treatises that we have named, so far as principles are concerned. So, with regard to conveyancing, we would infinitely prefer, in point of value, the knowledge of a man who should have thoroughly possessed himself of Mr. Hayes' Introduction, or of Burton's Compendium, or of Watkins's Principles, (with Morley's Notes), than that of the student who should be able to say, that he had in the same time read through the six volumes of Cruise's Digest, and all the notes in Bythewood's Precedents, and half-a-dozen conveyancing works besides. Not that we would discourage from extensive reading in the end; for our view is, that, for many years of the professional career of a lawyer, scarcely any piece of business ought to be or can well be transacted by him, without much and careful reading on the learning connected with it; so that, in a course of ten years or so, every lawyer who is in earnest will have read most extensively. But what we discourage, as worse than useless,—as pernicious,

and, in many cases, absolutely fatal,—is the notion that the value of the knowledge acquired, is in proportion to the quantity of lines over which the eye has travelled.

Against the practice founded upon such a notion, it is, that we protest; and our advice to every student who means to be a lawyer is, to ascertain what are the best books on the law, and to read those till he fully understands them. He may at the end of a year have read but a dozen books, while his more voracious fellow-student will have read forty; but the reader of the twelve will be at the end of the year the better lawyer of the two.

We may, perhaps, in some future Number, supply a deficiency which naturally exists in Mr. Warren's work, by pointing out an advantageous course of reading for the student intending to go to the conveyancing and equity bar.

## THE AMENDMENT OF THE LAW OF REAL PROPERTY.

(Continued from p. 4).

On the subject of contingent remainders Mr. Ker's Letter contains the following remarks:—

"As to section 8 of the Transfer Act, and also of the proposed bill. The 8th section of the act would seem to have had these objects: first, to preclude the creation after the 31st December, 1844, of contingent remainders, liable, under the doctrine relating to contingent remainders, to be defeated by the premature failure of the particular estate; secondly, to enlarge the scope of such contingent limitations, created after the 31st December, 1844, as would be liable, under the doctrine of contingent remainders, to be defeated by the failure, even at maturity, of the particular estate; thirdly, to preserve contingent remainders created before the 1st January, 1845, from being defeated by the premature failure of the particular estate. Of these objects the first and second are sought to be effected by enacting, in substance, that all contingent limitations, created after the 31st December, 1844, which, according to the pre-existing law, would be contingent remainders, shall operate as executory devises or uses, with all the properties of such a devise or use."

"1. As a contingent devise or use, though by way of remainder, is necessarily unexecuted, (while an executory devise or use is not necessarily contingent), the term 'executory' does not, in strictness, ascertain the peculiar species of limitation with which, by this enactment, all contingent remainders, whether created at the common law or by way of use or devise, are intended to be identified. The executory devise or estate to which reference is intended to be made is of course a contingent devise or use, so limited as to be incapable of taking effect as a remainder; and the true interpretation, therefore, of the enactment is, that 'a contingent limitation by way of remainder, whether created at the common law or under the Statute of Uses, or by devise, shall take effect in the very same manner as a contingent use or devise not limited by way of remainder.' Now, in order to satisfy the terms of this enactment, it appears to be necessary that we should, in the first place, apply the learning of contingent remainders, for the purpose of ascertaining whether the given limitation would, under the old law, have taken effect as a contingent remainder or not; and in the next place apply the learning of executory devises or uses for the purpose of inventing an hypothesis adequate to give that limitation all the effect of an executory devise or use,"

\* We recommend a student to commence with *difficult* books, as a test of the strength of his mind and the determination of his character. It is well that he should know whether he is really clear of head and firm of purpose, before he enters upon a profession which tolerates no mental weakness of any kind.



[the act says nothing of executory uses]; "and we must, if possible, so work out this process, as that, while we attribute to the limitation (for this the enactment expressly requires) all the peculiar qualities of an executory devise or use, none of the beneficial properties\* which the same limitation, taking effect as a remainder, would have possessed, may be sacrificed. But, having ascertained that the given limitation would have been valid as a contingent remainder, then, as it is of the very essence of an executory devise or use to have (in contradistinction to a remainder) a substantive self-dependent existence, and to be incapable of taking effect as a remainder, we are compelled to disconnect the limitation in construction or supposition of law from the particular estate."

This exposition might have been very clear and useful if the subject had stood in need of anything of the sort; but, as it so happens that the text conveys its meaning to the understanding much more shortly, and with greater perspicuity, than the commentary, we must regard the latter as a piece of mere mystification, like that which M. Jourdain's preceptor throws over the art of speech:—

"*Le Maître de Philosophie*.—L'R se prononce en portant le bout de la langue jusqu'au haut du palais; de sorte qu'étant frôlée par l'air qui sort avec force, elle lui cède, et revient toujours au même endroit, faisant une manière de tremblement: R, RA.

"*Monsieur Jourdain*.—R, R, RA; R, R, R, R, RA. Cela est vrai. Ah! l'habile homme que vous êtes, et que j'ai perdu du temps! R, R, RA."

"*Le Maître de Philosophie*.—Je vous expliquerai à fond toutes ces curiosités."

We need scarcely remind our readers that the only distinction between "executory devises" and "contingent remainders" (terms which, as they are perfectly well understood, we see no reason for quarrelling with) is, that contingent remainders will take effect according to the expressed intention, unless prevented by the operation of certain technical rules, (including, either expressly or virtually, the rule against perpetuities), while executory devises will take effect according to the expressed intention, without being subject to any restriction other than that imposed by the rule against perpetuity. When, therefore, we find that contingent remainders have ceased to exist in our law, in other words, that the technical rules by which the intention expressed in certain kinds of future limitations was formerly liable to be defeated are abolished, we abandon the distinction which the existence of those rules alone made necessary, and, treating all future limitations as being subject to the same law, only inquire in each case what is the expressed intention, and how it agrees with the rule against remoteness. To inquire, before we decide on the operation of a limitation which we know is to be construed as an executory devise, whether, under an obsolete law, it would have been treated as a contingent remainder, is mere pedantry†. This is the plain meaning of perhaps the plainest enactment that ever appeared on the statute book. But we have yet scarcely penetrated the outer boundary of the fog which the Lord Chancellor's correspondent has cast around the subject:—

"If we take the common case of a settlement to the use of A. for life, and from and after his death to the use of his first and other sons successively in tail, and

\* What beneficial properties? How beneficial, and to whom, and where mentioned or hinted at in the act?

† It has been objected, that the repealed enactment did not affect vested remainders, and, therefore, that, without inquiring whether a limitation was a contingent or a vested remainder, one might treat a vested remainder as being an executory limitation under the act. This would merely be to arrive at the truth by a circuit, for the rule, that every limitation which may operate as a remainder must do so, is only abolished as to contingent remainders.

suppose the life estate to have been created by one instrument and the fee to have been limited by another instrument, (subject to the life estate), to the use of the first and other sons of A. in tail, the limitation to the sons might take effect out of the reversion in fee, as an executory use, and yet confer, on the birth of a son, and in the lifetime of A., a vested estate tail; so that, in the case supposed, the limitation would, while in suspense, be wholly independent of the life estate, and, of course, unaffected by its premature determination, and yet be capable of conferring, on the happening of the contingency, all the advantages of a vested remainder. This hypothesis, however, is inadmissible, for, in the state of circumstances supposed, the limitation to the sons would not have taken effect as a contingent remainder, nor, consequently, would it be within the provisions of the 8th section of the Transfer Act."

So far, so thick. If any one of our readers can see any meaning or purpose in the above extract, we shall be glad to hear from him. In what follows there is a glimmer of light:—

"We are, therefore, reduced to the necessity of taking the limitations of the settlement as they stand expressed in one and the same instrument; first viewing them in the relation of particular estate and remainder, in order to raise the case contemplated by the act; then detaching, in construction, the limitation to A., and reading the limitation to the sons as a substantive limitation 'from and after the death of A. to the use of his first and other sons successively' in tail. Now, assuming this to be the only process by which a limitation, required to have at once the distinctive characteristics of a contingent remainder and all the essential qualities of an executory devise or use, can be conceived to partake of such opposite natures, we are met by the difficulty of shewing, either that, consistently with the doctrine of executory limitations, the limitation to the sons, so construed, is capable of conferring a vested interest on the birth of a son living A., or that, if it be not so capable, no practical inconvenience can result from its retaining until the death of A. all the properties of an executory devise or use." [Why stop at the death of A.? why not say boldly "for ever?"] "On the one hand, it might be objected, that the limitation, if considered as capable of vesting in the lifetime of A., would really take effect, according to the known laws of a contingent remainder, and contrary to the known laws of an executory devise or use." [What laws, and by whom known?] "In direct opposition, therefore, to the express enactment of the statute; on the other, that, unless the limitation were considered as capable of vesting in the lifetime of A., this method of protecting contingent remainders would induce serious practical evils. In support of the former objection, the authority of an eminent text-writer might be cited to shew that a limitation, 'from and after the death of A., to the use of his first and other sons,' taking effect otherwise than as a remainder, would not, until the death of A., give a vested estate; but that a son of A. in esse could, living A., have no estate; the limitation would be executory, and confer on him and his heirs a certain fixed right to an estate in possession at a future period." (Butl. Fearn, Cont. Rem. 1, 2 (a)).

As the point here cited from Mr. Butler's note to Fearn contains everything in the way of doubt upon the effect of the repealed enactment which the commentator has been able to bring forward, it may be well, flimsy as it is, to dissect it. The doubt intended to be suggested is, we suppose, whether, under a limitation to A. for life, and after his death to his eldest son in tail, the limitation in tail, considered (in obedience to the act) as in the nature of an executory devise, will give a vested estate to A.'s eldest son immediately on his birth, and in A.'s lifetime, or whether the gift is to be construed literally, as deferred until the death of A.



It is to be observed, that the question before us relates exclusively to limitations in *immediate succession* (particular estate and remainder) where the future estate is obviously postponed only for the sake of limiting some immediately antecedent estate. Now, in all cases where, as the phrase is, the postponement of enjoyment is only made "for the convenience of the estate," the perfectly settled rule in the construction of executory gifts is, that *words of futurity in the gift do not postpone the vesting*. "It may be laid down as a general rule, that, where a testator creates a particular estate, and then goes on to dispose of the ulterior interest expressly in an event which will determine the prior estate, the words descriptive of such event occurring in the latter devise will be construed as referring merely to the period of the determination of the possession or enjoyment under the prior gift, and not as designed to postpone the vesting." (1 Jarman on Wills, 726). It is obvious that the only class of cases to which the repealed enactment could possibly apply is that which comes most plainly and inevitably within this rule. And yet, for the purpose of raising a doubt as to its applicability, we are referred to an opinion of Mr. Butler on the case of an independent limitation of the fee, to take effect "on the 1st of January next," and wholly irrespective of any prior estate created at the same time. But, even in the case of an executory devise in these terms, "after the death of A., I give Whiteacre to A.'s eldest son and his heirs," where A. is tenant for life at the date of the will, it is well known, that, on the death of the testator living A., the eldest son, if in being, will take a vested estate. (See Fearn, C. R. 451; *Lytton v. Lytton*, 4 Bro. C. C. 441).

The letter proceeds thus: "It may be contended, perhaps, that, as a limitation which is, in its inception, an executory devise or use, may eventually take effect as a remainder; so the limitation in question may, during the suspense of the contingency, be an executory use, and, on the happening of the contingency, vest as a remainder; but the enactment is express that the limitation shall take effect as an executory devise or estate, (i. e. use), and seems to impose the necessity of discovering some mode in which it may vest *contrary* to the common-law doctrine of remainders."

This, even if intended merely to puzzle the juniors in the pupils' room, would be rather shallow, but, addressed to the Lord Chancellor, on public business, is something worse. The words are, "Every estate which would have taken effect as a contingent remainder shall take effect (if in a will or codicil) as an executory devise, and (if in a deed) as an executory estate of the same nature and having the same properties as an executory devise," i. e. "as an executory estate of the same nature as an executory devise *would take effect*." The quibble is founded on the perfectly proper ellipsis of the words in italics. According to the author of the letter, it is possible gravely to contend, that the clause refers to estates which would formerly have taken effect *in possession*, in the same manner as a contingent remainder, *while contingent*, would take effect, (even on this absurd construction he cannot avoid supplying the ellipsis), and enacts, that henceforth such estates shall take effect in possession, in the same manner as an executory devise, *while it remains executory*, would take effect *in possession*!

After this notable criticism, the writer proceeds to state why the commissioners have thought fit to reject so much of the repealed enactment as aims at giving effect to contingent remainders on the happening of the contingency after the *natural* determination of the particular estate. Having read so far, we thought we were prepared for anything, but the first ground on which the commissioners, "after full discussion and mature consideration," have rejected the provision, startled us. It is this:—

"First, that, admitting the law to be, as regards the cases in question, defective, the mischief is not peculiar to contingent remainders, but, in some degree, at least, affects generally future gifts to classes, of personal as well as of real estate. Thus, if personal estate be limited to A. for life, and after his death to the children of B., and if B. survive A., and have children, some born before and some after A.'s death, the after-born children are excluded; for, though, if there be no child of B. born before A.'s death, the gift will open from time to time, to let in all the after-born children; yet, if there be a child antecedently born, then on A.'s death the gift finally closes. And the same rule applies to even an executory bequest."

We are puzzled to know how to speak of this objection. We might have asked, "Why, if the evil extends to personalty, should not the remedy be extended in like manner?"—if we had not been stopped by the following passage in an earlier part of the letter:—

"Had the case been otherwise, we should not have deemed it consistent with exact or methodical legislation to mix up a detached point as to personal chattels in an act relating to the transfer of real estates."

So that, if there be a mischievous rule of law affecting both real and personal estate, it must just remain untouched, since to amend it as to real estate, and not as to personalty, would be wrong, and to amend it as to both in the same act would be worse. But does the suggested amendment come within this category? Is it quite clear that the rule of *tenure* requiring that a remainder shall take effect, if at all, immediately on the determination of the particular estate, is exactly analogous to the rule of *construction* in *Devisme v. Mello*, (1 Bro. C. C. 536), *Odell v. Crone*, (3 Dow, 61), &c., determining what persons shall be deemed to have been intended by a general gift to a *class*? And, granting this to be clear, and it being undeniable that the rule in *Devisme v. Mello*, &c., extends to executory devises, is it *quite* clear that an enactment placing contingent remainders in the situation of executory devises in all respects would be a partial interference with the rule in *Devisme v. Mello*, &c.?

We have now done with this unlucky Letter, and its miserable result. Instances of ignorant and presumptuous legislation are unfortunately too frequent; but the obstruction of the course of legal reform, by such a combination of indolence, petulant carping and interference, blundering without the excuse of ignorance, and incapacity without that of inexperience, as we have just witnessed, proceeding from a source which might well have been expected to combine the most cheerful and enlightened co-operation with the soundest professional learning and discretion, is a spectacle which we believe to be unexampled, and hope will remain unparalleled.

It is clear, from the experience of the last few sessions, that our once boasted system of real property will speedily be reduced to an incoherent heap of legislative crudities, if the task of reform be not at once made worthy of the ambition of first-rate men, by appointing a commission, with instruction to frame a *comprehensive* scheme,—and worthy of the serious devotion of their time, by giving them a *liberal remuneration*.

We now turn to the Law Review and Concise Forms. In a well-written article on conveyancing reform, in the last Number of that most unequal periodical\*, we find a recommendation of Lord Brougham's Parliamentary Forms, against which we think it our duty to protest. After citing some condemnatory opin-

\* Among the better things in the recent Number is an article on the unfortunate dispute between the press and a portion of the bar, which has redounded so little to the credit of either party: it is excellent in temper, reasoning, and expression.

ions which have been published by Mr. Davidson and Mr. Sweet, the writer says, "We cannot think, however, that these gentlemen can have allowed themselves to do justice to these acts; and we are disposed to think that they are, without knowing it, labouring under an undue bias, as they are severally the editors of extensive and popular collections of precedents, well known in the Profession; and we presume that these collections must now be remodelled." This is,—to compare small things with great,—something like the quarter's salary, for the sake of which Lord John Russell was, according to some people, willing to take office. We shall be curious to see the new collections of precedents "remodelled" upon Lord Brougham's plan, which these gentlemen, after having ineffectually recorded their protest, are doubtless engaged in preparing.

After this little inaccuracy in point of taste, the reviewer proceeds thus:—"As we are among those who think that these last two acts are a boon to the Profession," [we agree in this opinion, if the question is to be regarded in the "quarter's salary" point of view, and if, as is said, the parliamentary forms have ever been, or are likely to be, used], "and as we are quite satisfied that they can be employed safely and advantageously in many conveyancing transactions, we have great pleasure in laying before our readers some precedents under the Conveyancing Act, which have been prepared by a learned friend, in whom we have great confidence, as they will best explain the powers of the act; and we would simply add two observations of a practical kind to those given by Mr. Neale:—First, the forms in the 8 & 9 Vict. c. 119, are not applicable to a sale alone. They are also most of them applicable to a conveyance by way of mortgage settlement or any other conveyance. Secondly, the practitioner, before he shuts up these acts as useless and impracticable, will do well to consider, whether, if the particular transaction comes within their scope, *he will be allowed costs according to the present scale if he does not avail himself of these provisions.* This last observation also applies with peculiar force to any attempt, after the 1st January next, to assign a satisfied term." (To any solicitor who troubles himself with the numismatic bearing of the question, we would say, "Try; you will get the smaller fee at all events, and will avoid any concern with the 'skill, labour, and responsibility' incident to the use of the parliamentary form").

The forms given by the reviewer are not happily chosen for the purpose of illustrating his first proposition,—that the act is applicable to other transactions than sales. They are ten in number:—No. 1. "Grant by vendor to purchaser in fee." No. 2. "Grant by vendor seized in fee, and his wife, to purchaser, to uses to bar dower." No. 3. "Grant by devisees and trustee to purchaser in fee." No. 4. "Grant of a wife's estate in fee to purchaser in fee." No. 5. "Grant of a moiety of a messuage to purchaser in fee." No. 6. "Appointment and grant by vendor to purchaser in fee." No. 7. "Grant by mortgagee under a power of sale to purchaser in fee." No. 8. "Grant by joint tenants to purchaser in fee." No. 9. "Reconveyance by mortgagee in fee to mortgagor." No. 10. "Reconveyance by mortgagee in fee to mortgagor by indorsement." Eight conveyances on sales of the simplest description, and two forms of a reconveyance,—no mortgage,—no settlement.

As a specimen of the *conciseness* which has been attained with the help of the act, we may take No. 9.

"THIS INDENTURE, made the — day of —, 18—, in pursuance of an Act to facilitate the Conveyance of Real Property, Between A. B. [*mortgagee*], of the one part, and C. D. [*mortgagor*], of the other part. WHEREAS, by an indenture of release, bearing date &c., and made between &c., in pursuance of the statute for rendering a release as effectual for the conveyance of freehold estates as a lease and release by the same par-

ties, the lands and hereditaments hereinafter described, and intended to be hereby conveyed and assured, with the appurtenances, were conveyed and assured to the use of the said A. B., his heirs and assigns; subject nevertheless to a proviso or agreement in the said indenture now in recital contained for the redemption of the said premises on payment by the said C. D., his heirs, executors, administrators, or assigns, of the sum of £—, with interest for the same after the rate of 5l. for every 100l. by the year, at the time and in the manner in the same indenture mentioned and appointed. AND WHEREAS the said principal sum of £— still remains due and owing upon the security of the said hereinbefore-recited indenture of mortgage, all interest in the said sum having been duly paid and satisfied up to the day of the date of these presents. NOW THIS INDENTURE WITNESSETH, that, in consideration of £— sterling now paid by the said C. D. to the said A. B., the receipt whereof is hereby by him acknowledged, he the said A. B. doth grant Unto the said C. D., his heirs and assigns, for ever, All &c. [*parcels*]. AND the said A. B. covenants with the said C. D., that he the said A. B. hath done no act to encumber the said premises. IN WITNESS" &c.

A conveyancer who might wish to dispense with the interference of the great Zamiel of law reform in his incantation, and to rely only on the familiar aid of his own *dis minores*, would frame the charm and do the deed in smaller compass, thus:—

"AN INDENTURE, made on the — day of — 18—, Between A. B., of the one part, and C. D., of the other part. WHEREAS, by indenture made on the — day of —, between &c., the hereditaments hereinafter described were conveyed to the use of the said A. B. in fee, by way of mortgage, for securing payment to him, his executors, administrators, or assigns, by the said C. D., his heirs, executors, administrators, or assigns, of £—, with interest, which principal and interest monies have this day been paid. NOW THIS INDENTURE WITNESSETH, that the said A. B. grants All [*parcels*], with their appurtenances, and all his estate and interest therein, Unto and to the use of the said C. D. and his heirs; AND, for himself, his heirs, executors, and administrators, covenants with the said C. D. and his heirs, that the said A. B. hath not been party or privy to any incumbrance on the premises. IN WITNESS" &c.

The forms before us, taken in connexion with the act of Parliament, are sufficiently open to serious criticism; but our business is not with the miserable details of the two ill-drawn and abortive acts which now exist as a snare for the unwary, but with the general principle upon which they are framed, and the extension of which to every branch of conveyancing, by a host of similar crudities, is threatened. The Legal Review says—

"The commencement of the change is not a small one, but *it must proceed*, and from present appearances we are inclined to think, that, if the public did not call for it, the Profession would. It will demand, that any benefit that can be obtained from a complete series of acts, on the plan of the 8 & 9 Vict. c. 119, shall be placed at the option of the practitioner. Nothing less than this will now satisfy the demand. It may be delayed by various causes: interest will have its sneer; ignorance will have its laugh; and still more the desire to spend life easily and quietly, and with as little trouble as possible, may retard the taking the necessary steps; but many years—probably many months—will not be allowed to elapse without further progress in this direction."

Should this threat be carried into execution, we hope that the results will be printed separately in the various editions of the Statutes at Large, for the convenience of such members of the Profession as may not wish to invest money in the purchase of "Precedents in Conveyancing, by Lord Brougham & Co."

Our objections to the principle thus avowed are so

pointedly and happily expressed by Mr. Joshua Williams, that we shall cite his words, without any comment:—

"It is quite evident, that, in the above-mentioned acts, the columns containing the short sentences either express the same ideas as the corresponding columns containing the long sentences, or they express ideas in a greater or less degree different. If they express the same ideas, then it is equally evident that the acts are altogether superfluous, for there would clearly be no occasion to enact that one sentence, which means the same thing as another, should be considered, by authority of Parliament, as having the same meaning. If, however, the columns containing the short sentences do not express the same ideas as the columns which contain the long sentences, then the following very great inconvenience arises: the sentences used in deeds executed under these acts will not express the same meaning as the same sentences in every other place, [and even in other parts of the same deed] and a new legal language will, in fact, be formed. Every science has its technical terms; but these terms are seldom such as are employed elsewhere, and the difficulty of acquiring them is more than counterbalanced by the precision which they impart. Of such terms the law has an abundance, consisting both of words and of short phrases. But the acts in question are an attempt to introduce not merely technical words and technical phrases, but whole sentences with a technical meaning; and this technical meaning they are to possess notwithstanding that they are pure English sentences, and have long enjoyed a meaning of another kind, and are still allowed to possess that meaning elsewhere. If the two acts which have already passed should (as it is to be hoped) be the only acts of the kind, the mischief that will arise will be of no great importance, for they are adapted only to very simple cases, and it is not probable that they will be generally used. But, if the contemplated scheme for adapting these schedules to deeds of all kinds should ever come into operation, the mischief likely to be produced is incalculable. In reading such a deed, a struggle would constantly be felt between the natural English meaning of the sentence and the unnatural parliamentary construction. The labours of the Profession would be enormously increased, for every lawyer would be obliged to perfect himself in the new language; without it he could not possibly comprehend the meaning of any deed; and there can be little doubt, that, in the preparation of such deeds, an amount of skill and labour would be required, as well as a responsibility incurred, far greater than is now the case; and the public, paying for such skill, labour, and responsibility, would be proportionally injured. The work of the hand would, no doubt, be diminished; but the more expensive labour of the head would be greatly increased. *The English language sufficiently possesses in itself the desired qualities of perspicuity and conciseness.* Let a man but possess clear ideas, and, whatever be his subject, the English language will afford him means of clear and concise expression. If any proof be needed that the subjects with which the art of conveyancing is conversant afford no exception to the general rule, reference might be made to the numerous collections of concise precedents which from time to time have issued from the press. On all these precedents the acts in question tend to cast discredit; for it is evident that the Legislature considers the verbose sentences in the second column to be replete with meaning, and, by applying the extraordinary power of Parliament to their compression, it seems to imply that they cannot be sufficiently and satisfactorily condensed by any ordinary means. The style of deeds used in ordinary practice is certainly verbose, but it is gradually growing less so, notwithstanding that a direct premium is given to verbosity; first, by a scale

of remuneration greatly inadequate; and, secondly, by that scale being regulated only by length. Hold out some inducement to brevity, instead of giving a premium to verbosity, and the style of legal instruments will soon become quite as concise as accuracy will admit. The provision in the acts, that the deeds shall be charged for according to the skill and labour employed, and the responsibility incurred, is so far an effort in the right direction, and it is to be hoped that the time may come when professional remuneration generally shall more nearly follow the same rule\*."

Mr. Williams's criticism on the act to render the assignment of satisfied terms unnecessary forms so striking an exception to the general soundness of his remarks on the recent statutes, that we should have hesitated to receive it as the work of the same pen, if the subject had not been one which belongs to the *superstitions* of conveyancing. We understand that a gallant band of quixotic conveyancers has organised itself into a humane society, for the express purpose of preserving, by means of an act to be obtained, all terms from future merger, and for resuscitating, by the same agency, those which have been included in the *noyades* of the 31st December, 1845. These gentlemen seriously maintain that there can be no honest, *safe*, or satisfactory dealing with "unattended" estates: whether they go so far as to reject all such estates as unmarketable, we have not ascertained. One eccentric practitioner has devoted himself to the manufacture of terms of years, which, he flatters himself, can never be satisfied—terms originally and expressly *created* for the sole purposes of attending the inheritance. These insatiable terms he considers as beyond the jurisdiction of Lord Brougham's acts, and, though mere nursery seedlings at present, as likely to afford shelter and protection in future ages to troops of happy and grateful purchasers and mortgagees,—*sua si bona norint*. Mr. Williams does not run into these extravagances; but his evident eagerness to find fault with the statute has caused him to be satisfied with arguments which his unbiassed judgment would never have tolerated. After explaining the nature of attendant terms, and labouring very needlessly to prove that a term of seven and a term of one thousand years are of the same nature in law, and that the reversions in fee expectant on such terms respectively possess the same incidents, (in illustration of which undeniable postulate, he uses a most incorrect mathematical proposition †), he puts the case of a settlement under which A. is merely tenant for life, and X. remainder-man in fee, an attendant term having been left unappropriated. "A., professing to be owner of the fee, sells to B., and the term is assigned to B., as trustee for the protection of B., A. being still alive. The act now passes. The term of years is evidently one attendant on the reversion by express declaration, within the meaning of the act, and the act enacts, that it shall absolutely cease, except that, although made to cease, it shall afford to every person the same protection as it would have afforded him if it had continued to subsist, and shall, for the purpose of such protection, be considered in every court of law and

\* "Remarks on the Acts of the Session 8 & 9 Victoria relating to Real Property, with an Answer to the Question 'Whether attendant Terms ought still to be assigned to Trustees for Purchasers;' intended as a Supplement to 'Principles of the Law of Real Property.' By Joshua Williams, Esq., of Lincoln's Inn, Barrister at Law."

† Viz. that " $7 + \alpha = 1000 + \alpha$ ." If so, and if, as we presume Mr. Williams, in his view of the force of the symbol  $\alpha$ , will admit, (though we do not), it be true, that  $\alpha = \alpha$ , then, as the results of the subtraction of equals from equals must be equal,  $7 + \alpha - \alpha = 1000 + \alpha - \alpha$ ;  $\therefore 7 = 1000$ . Scholium:—In the same manner any number may be proved to be equal to any other number.

of equity to be a subsisting term. After what has been said, the reader will have little difficulty in perceiving that this enactment carries contradiction on the face of it. If the term be merged, then it cannot subsist in law; and if it subsist in law, then it cannot be merged. It is evident, that, in the example we have given, B.'s protection, when A. is dead, will essentially consist in the duration of the term in its length and breadth, and with all its accompanying attributes. If the term cease but for a moment, B.'s protection is gone for ever, and if B.'s protection is to be available at law, then the term must, for the remainder of the thousand years, still continue to be vested in his trustee. Surely, the Legislature did not intend to deprive B. of any part of his protection; and, if this be the case, then the act, in this instance, stultifies itself, and becomes a nullity."

We are at a loss to understand how a writer, possessing, as we have seen, no small command over the resources of the "pure English" tongue for elegant and lucid exposition, could have thus shut his eyes to the plain meaning of words and the use of language. He assumes that terms of years, instead of being mere fictions of the brain, subject to the dominion of the imagination exclusively, are tangible realities, like stone columns or brick walls, and amenable only to the laws of nature. An enactment that all brick walls should be pulled down, but, notwithstanding such destruction, should, for certain purposes, remain standing, would doubtless deserve the compliment contained in the above extract; but the enactment that courts of law shall in future take no notice of those idealities called terms of years, except only in such cases and to such extent as may be necessary for the purpose of securing to all persons at present deriving any protection from them the future enjoyment of such protection, so far from being a foolish nullity, appears to us to be a most wise and important amendment of the law operating infallibly and beneficially upon all terms which were satisfied when the act was past. The only omission which can fairly be charged upon the framers of the act is, that they did not provide against the perverse ingenuity of those few bigoted conveyancers, who, by taking advantage of such quibbles as can be raised upon the word "satisfied," may possibly succeed in future in creating and keeping alive a few specimens of these obnoxious estates until they are swept away by some new enactment. The act might, in our opinion, with proper provisions as to the production of title-deeds, &c., have been beneficially extended to *unsatisfied* terms, and, indeed, to the legal estate, as a means of protection, in every case; but a measure involving so extensive an attack upon old prejudices would have met with certain defeat, and, therefore, we cannot see the justice of the objection which is founded on the limited operation of the present act. To return to Mr. Williams:—

"The incumbrance, however, created by A., and against which the term of years vested in B. is to protect B., may not extend to the whole; for sample, thus: A. may, upon his marriage, have merely granted a rent-charge, by way of jointure, to his intended wife (whom we may call Y.) for her life, in case she should survive him. If now Y. should be living at the time of the passing of the act, the existence of the term will still be as necessary to afford to B. protection *at law* against the claim of Y., as it would have been to afford protection *at law* against the claim of X.; but, after Y.'s decease, such protection will not be required, and the merger of the term after that time might take place without any diminution of B.'s protection. The merger, however, which takes place under the act, is confined to a single day, namely, the 31st December, 1845, and, if the act has not merged the term on that day, it contains no provision for its merger at any subsequent date, for the second section of the act is clearly

inapplicable to this case. Whether, therefore, the incumbrance against which the protection is to subsist extends to the whole fee simple or be merely a partial interest, it seems equally to follow, that, if such incumbrance is existing on the 31st December, 1845, the term must continue to subsist at law; and, if it escape the destruction inflicted on that day, it will still remain as subsisting as before."

The author of the above passage must surely be referring to some other enactment than that which lies before us,—an enactment saying, as plainly as words can convey a meaning, that all satisfied terms existing on the 31st December, 1845, shall then cease; nevertheless, whenever any person claims the benefit of the protection from any such term to which he or one through whom he claims was entitled on that day, courts of law shall, *to the extent only of affording such protection*, disregard this enactment as to the cesser of such term.

With singular perversity, the writer contrasts with the act in question the ordinary form for merger of terms adopted in railway acts, that all attendant terms shall merge, "but shall *in equity* afford the same protection as if they had been kept on foot and assigned" &c., as an example of consistent and intelligible legislation. Now, we have little doubt that the courts would take care that these enactments should not fail of effect, but they are unquestionably, if taken literally, absurd and inoperative. Outstanding legal estates afford no protection *in equity*; the essence of their operation is, that they protect at law, and that equity stands passive. To enact, therefore, that they shall cease *at law*, but shall, *in equity*, afford the same protection as formerly, is mere nonsense.

In answer to the question, "What is to be done with outstanding terms?" we shall report, for the benefit of our junior readers, a dialogue in chambers:—

"*Tiro*.—Here are nine attendant terms on this abstract. What is to be done with them? Seven have been assigned each about ten times during the last twelve years, although six of the seven appear to have been merged in 1820 by an injudicious assignment to the same trustee; most of them, too, were created with a proviso for cesser.

"*Eunomus*.—The rogues! Some practitioners cannot see a merger. But why trouble yourself with them? You can do nothing now with a satisfied term.

"*Ti*.—But suppose they are not quite satisfied?

"*Eu*.—That *may* make a difference. You must bear in mind the distinction between dealings with terms before the commencement of 1846 and dealings after that moment. Whatever has been done before the present year, in the way of securing protection, will remain as effectual as if Lord Brougham's act had not passed. Anything now attempted to be done with a satisfied term will be simply nugatory. If the term is not satisfied, its first office will be to secure the objects for which it was created, and which are unfulfilled. While any such object remains, the term will remain unsatisfied, and unaffected by the act. So long, then, as a term continues as to any part, however insignificant, of its original trusts, *truly* and *bond fide* unsatisfied, the same scramble for protection from it which could formerly have happened, consistently with the paramount trust, may still take place; but with this difference in the result—that the protection will be commensurate, not, as formerly, with the duration of the term, but only with the duration of the original trusts and objects of the term. When these are finally satisfied, the term is satisfied, and ceases under the 2nd section of the act. For such a limited protection, it will seldom be possible, and still seldomer worth while, to struggle.

"*Ti*.—I have heard that some practitioners propose, in order to keep the system on foot, that, when the time arrives for paying the money secured by a term, a penny

or a shilling should be left unpaid, so as not fully to satisfy the trusts.

*Eu.*—The ingenuity of these gentlemen is not much greater than their wisdom. If the trusts escape being released in the process, (which is most likely to happen), they are sure to be soon extinguished by the Statute of Limitations, or the doctrine of presumption. No court would countenance such follies. In the meantime the 'protected' would be much at the mercy of one of his protectors—not the trustee of the term, but the trustee, so to speak, of the penny.

*Ti.*—But suppose, that, at the commencement of the present year, the term should be vested in a trustee, in trust as a further security for a mortgagee of the fee, or a mortgagee by demise, and, subject thereto, in trust to attend the inheritance?

*Eu.*—The original trusts of the term being, of course, satisfied? The term would then be a satisfied term within the 1st section\*. That it was held in trust to protect not a simple unencumbered fee vested in one person, but the various subdivided interests of several persons in the fee, or only the partial interest of one person in a portion of the fee, can make no difference. Quoad the objects for which it was created, the term is satisfied; and, until it became a point of honour to pick holes in every beneficial reform, no one attributed any other meaning to the phrase. But, whether conveyancers understand the word in this sense, or not, it is clear that it is so used in the act; for a term assigned 'in trust to attend the inheritance or reversion' is expressly doomed to destruction as a 'satisfied' term. Now, a trust to attend and protect a purchaser of the inheritance is just as real and substantial a trust as a trust to attend and protect an incumbrancer on the inheritance; and if the existence of the former trust will not save the term from annihilation, as being satisfied, that of the latter cannot do so. And if this were not so, the term would, at all events, become satisfied on the discharge of the protected incumbrance.

*Ti.*—Then, do you conclude that all terms are in future to be neglected in conveyancing?

*Eu.*—The satisfaction of the objects for which a term was created must, of course, be looked to, as heretofore, and also the possibility of feats of legerdemain being performed with it, for purposes of protection, while it continues unsatisfied and in existence. With regard to terms which were attendant at the close of the last year, one object, which was formerly attained by calling for an actual assignment, must now be sought for in a different way; namely, an assurance that the term has not been (before 1846) assigned for the benefit of some latent and prior claimant or incumbrancer. An assignment by the apparent trustee for the time being, with a covenant that he had not encumbered, afforded a sufficient guarantee that no such appropriation had been made in *his* time; and now, though an actual assignment is out of the question, yet, if the apparent trustee of 1845 is living, he should be required to give an equivalent in the shape of a distinct assurance that he has not been party to any concealed alienation or incumbrance.

*Ti.*—Why not take the safe course of executing assignments as heretofore?

*Eu.*—Because it is your duty to your client not to waste his money; your duty to the public to aid, and not to obstruct, amendment; and your duty to yourself not to make a fool of yourself. If a conveyancer, after careful deliberation, concludes that the act has not effected its purpose, I can only wonder at him; but if, without having so arrived at such a conclusion, and from indolence merely, or timidity, he resolves to follow the old course, because it is *safe*, he has mistaken his vo-

cation, and should quit a profession for which he is not morally qualified. Solicitors attempting to keep up this profitable farce of protection may be speedily brought to their senses by an appeal to the taxing Master." G. S.

## Correspondence.

### RAILWAY COMPANIES AND ALLOTTEES.

TO THE EDITOR OF THE JURIST.

Sir,—In a late article in *THE JURIST*, (Vol. 9, p. 489), you treated of the recovery of deposits by railway companies from the allottees of shares, and you therein express an opinion, that, in many cases, such companies have a remedy in equity.

It appears to me, that, at *law*, the deposits may generally be recovered, and that the difficulties in the way of such recovery are not in reality so great as they have appeared to the learned Solicitor-General.

I say "*generally*" be recovered, because, of course, where there has been fraud, or any material deviation from the terms of the contract, the remedy cannot be enforced. But this is no peculiarity applicable to allotments of shares alone; it applies to all cases of contract, and, therefore, should not be imported into the abstract question of enforcing *allotment*-agreements.

The general course has been for the applicant to write to the provisional committee for shares, agreeing to pay the deposits when required, and to sign the necessary documents. The shares (or, rather, a title thereto) are then allotted usually by the managing committee, and the allottee is required to pay the deposits and sign the parliamentary deed by a certain day. Now, the question is, if the allottee neglect to pay the deposits, can an action be successfully maintained against him at the suit of the provisional committee?

First, I would submit, this is a valid agreement. The letter of application is in the nature of an offer or proposal; the letter of allotment is an acceptance of such offer. But it is objected, the acceptance of the offer is not by the party to whom the proposal is made: the allotment is by the managing committee, whereas the application was to the provisional committee. It seems a sufficient answer to this objection to observe, that the managing committee form a section or part of the provisional committee: they are partners with the provisional committee and act for them, and as their agents. The provisional committee, then, allot the shares *by* the managing committee.

If an order be sent to a merchant, and be assented to by his agent, would it be contended that the rule, "*Qui facit per alium facit per se*," would not apply? And so, if the active members of a firm enter into a contract for the purposes of the partnership, it is not invalidated because the dormant partners were not parties to it, although the proposal for such contract may have been addressed to the firm generally.

It may also be remarked, that the applicant in most cases has the means of knowing who are the members of the managing committee at the time he applies, for they are usually formed about the same time as the provisional committee, and appear together with them in the prospectus. He must be taken also to know their duties. When he applies to the provisional committee, he applies also to that which is a part of and contained within them, the managing committee.

Secondly, as to the remedy at common law. The first question would be, is the allottee a partner together with the provisional committee, so as to prevent them from suing him at law? I think it is clear that he is not a partner; the application and allotment form an agreement to enter into a partnership, the capital of

\* A different construction is suggested in a former article, (9 Jur., part 2, p. 526), proceeding, of course, from another pen.

which is to consist of a certain sum, and the objects of which are to be effectually attained by an act of Parliament. He has no right to participate in any profits, at all events, before he has paid the deposit on the allotment. In *Fox v. Clifton*, (6 Bing. 776), it appeared that the "Imperial Distillery Company" had issued a prospectus, stating that the affairs of the company were managed by a board of directors, that a deed of settlement would be prepared forthwith, that application was intended to be made to Parliament for an act, and that the shares would be forthwith allotted. It will be seen how closely analogous this prospectus is to the prospectus of a railway company. It was held by the Court of Common Pleas, that a subscriber to the above distillery company was not a partner, although he had paid the requisite deposits, but that he had merely assented to become a partner in a company, raising a certain capital, and to be governed by a deed, and that he had no right to participate in the profits. "We think," said Tindal, C. J., in delivering judgment, "if the right to participate in the profits of a joint concern is to be taken, as undoubtedly it ought to be, as a test of partnership, these defendants were not entitled at any time to demand a share of profits, if profits had been made, inasmuch as they had never fulfilled the conditions upon which they subscribed."

As to the parties to the action, the provisional committee, including, of course, the managing committee, should be the plaintiffs, on the ground already adverted to, that they stand in the relation of active or ostensible and dormant partners, who may always join in an action on a contract made by the active partners. (*Leveck v. Skafes*, 2 Esp. 468; *Barnden v. Howell*, 4 Scott, N. R., 331).

Supposing an action of assumpsit to be brought on the agreement contained in the letters, and the general issue only to be pleaded, it is next to be seen what practical difficulties would oppose the plaintiffs at the trial. In the first place it would be necessary for the plaintiffs to procure the letter of application in their possession to be stamped. Where an agreement consists of several letters, it is sufficient, by 55 Geo. 3, c. 184, (sched., part 1), if any one of such letters be stamped. (And see *Hemming v. Perry*, 2 M. & P. 375).

The penalty for stamping an agreement, consisting of not more than 1080 words, after fourteen days from its being entered into, is now, by 7 & 8 Vict. c. 21, increased from 5*l.* to 10*l.*; and, as this sum would not be allowed in costs to the plaintiffs, even though successful, they will probably be deterred from suing any but those against whom they feel assured of having a good case, and from whom they may reasonably expect their damages and costs, in the event of success.

The original letter of application being in the possession of the plaintiffs, they will give the defendant notice to admit the handwriting, and, in default of such admission, they must prove it at the trial.

The original letter of allotment being in the hands of the defendant, he should be served with a notice to produce it. The probabilities are certainly against his compliance with this notice, and, in that event, the plaintiffs must be prepared to prove a copy, verified as such, and to shew that the defendant received the original. I have heard it objected, that, although the receipt of notices of dishonour and the like may be presumed, from evidence of their having been put into the post, yet that, where it is sought to prove so *essential* a part of an agreement as the acceptance of the proposal, stronger evidence will be required.

But surely this is confounding the rules of evidence with the nature of the documents to be proved. The law having recognised, as a general principle, that proof of having put a letter into the post-office shall be *prima facie* evidence of the receipt thereof, the same principle should apply, whatever may be the contents

of the letter. To be allowed, in any case, it must be some evidence to go to the jury, and it is the best that can be procured in by far the majority of instances.

Such, it appears to me, will be the course to be adopted by railway committees. If the defendant has any special matters of defence, they must be alleged and proved by him.

On a review of the whole question, therefore, the conclusion I arrive at is, that, in general, there are not insuperable difficulties in the way of companies enforcing their remedy at law, though, doubtless, practical difficulties will arise in many cases on their own special circumstances.

I am, Sir,

Temple,  
Jan. 22, 1846.

Your obedient servant,  
H. M.

## COURT OF QUEEN'S BENCH.

HILARY TERM.—9 VICTORIA.—Jan. 22.

This court will, on Monday and Tuesday the 2nd and 3rd February next, and also on Monday the 9th February next, and the five following days, hold sittings, and will proceed in disposing of the business in the Crown Paper, the New Trial Paper, and the Special Paper, and giving judgment in cases then pending.

BY THE COURT.

Jan. 22.—Lord Denman, C. J., delivered the judgment of the court in the following cases:—

Oldfield v. Dalrymple—Rule absolute for entering verdict for plaintiff.

Reg. v. The Great Western Railway Company—Judgment for respondents.

Doe d. Howard v. Lord Kensington { Judgment for lessors of  
Doe d. Butler v. Lord Kensington { plaintiff in each case.

Chawner v. Cummings—Judgment for defendant.

Blakesley v. Smallwood—Judgment for defendant.

## London Gazette.

TUESDAY, JANUARY 20.

### BANKRUPTS.

WILLIAM WARD, Manchester, auctioneer, dealer and chapman, Jan. 30 at 2, and March 6 at half-past 12, Court of Bankruptcy, London: Off. Ass. Alsager; Sols. Newbon & Evans, Wardrobe-place, Doctors'-commons.—Fiat dated Jan. 17.

THOMAS PRENTIS HAWLEY, Brunswick-parade, Barnsbury-road, Islington, Middlesex, cheesemonger, dealer and chapman, Jan. 29 at half-past 11, and March 6 at 1, Court of Bankruptcy, London: Off. Ass. Alsager; Sols. Fisher & De Jersey, 62, Aldersgate-st.—Fiat dated Jan. 14.

WILLIAM BALDWIN, Norland-road, Notting-hill, Middlesex, victualler, Jan. 30 at 11, and March 6 at 2, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Dimmock & Burbey, Sise-lane.—Fiat dated Jan. 14.

SIR JOHN ROSS, Knight, Gracechurch-st., London, banker, dealer and chapman, Jan. 30 and March 3 at 1, Court of Bankruptcy, London: Off. Ass. Belcher; Sol. Buchanan, 8, Basinghall-street, London.—Fiat dated Jan. 17.

JOHN HENRY BANKS, Great Newport-st., Middlesex, engraver and copper-plate printer, dealer and chapman, Jan. 30 and March 3 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Wootten, Tokenhouse-yard.—Fiat dated Jan. 16.

VICTOIRE SUSANNE URSULE LENORMAND, Regent-street, Middlesex, milliner and dress maker, dealer and chapwoman, Jan. 29 and March 3 at 11, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Mardon & Prichard, Christchurch-chambers, Newgate-street.—Fiat dated Jan. 16.



**FRANCIS GLASS**, Basinghall-st., London, woollen factor and warehouseman, Jan. 30 at 11, and March 6 at 11, Court of Bankruptcy, London: Off. Ass. Green; Sols. Lawrance & Plews, Bucklersbury.—Fiat dated Jan. 13.

**THOMAS DEAN**, Chenies-st., Tottenham-court-road, Middlesex, victualler, Jan. 31 at 1, and March 6 at 12, Court of Bankruptcy, London: Off. Ass. Pollett; Sols. Parnell & Co., New Broad-street.—Fiat dated Jan. 16.

**JOHN RICKETTS**, Gosport, Southampton, grocer and tea dealer, dealer and chapman, Jan. 29 and March 3 at 12, Court of Bankruptcy, London: Off. Ass. Turquand; Sols. Bell & Co., Bow Church-yard.—Fiat dated Jan. 8.

**HENRY FRICKER**, Southampton, innkeeper, Jan. 29 at 12, and March 3 at half-past 11, Court of Bankruptcy, London: Off. Ass. Turquand; Sols. Wilde & Co., College-hill.—Fiat dated Jan. 17.

**CHRISTOPHER BLACKMORE**, Cork-street, Middlesex, tailor, Feb. 6 at 1, and March 3 at 12, Court of Bankruptcy, London: Off. Ass. Groom; Sol. Wilkinson, 44, Lincoln's Inn-fields.—Fiat dated Jan. 17.

**DAVID MARKS**, Houndsditch, London, pen and quill manufacturer, Jan. 30 at half-past 11, and Feb. 25 at 2, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Swan, Doctors'-commons.—Fiat dated Jan. 16.

**WILLIAM GRIFFIN**, Cornhill, London, jeweller and silversmith, dealer and chapman, Jan. 28 at 12, and Feb. 25 at half-past 12, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Teague, Crown-court, Cheapside.—Fiat dated Jan. 15.

**JOHN JARVIE** and **JAMES ROWLEY**, Nutsford-vale Print-works, Newton, Manchester, silk manufacturers and printers, dealers and chapmen, Jan. 30 and Feb. 20 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Atkinson & Co., Manchester; Abbott, Charlotte-st., Bedford-square, London.—Fiat dated Jan. 15.

**JOHN RADBONE**, Alcester, Warwickshire, broker, cordwainer, and needle manufacturer, Feb. 6 and March 6 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sol. Jones, Alcester.—Fiat dated Jan. 13.

**RICHARD PARIS**, Bagland, Monmouthshire, innkeeper, Feb. 2 and March 3 at 12, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sol. Brislley, Pancras-lane.—Fiat dated Jan. 15.

**JOHN DENBIGH**, Bradford, Yorkshire, wool merchant, Feb. 3 and 26 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sols. Blackburn, Leeds; Walker, Furnival's Inn, London.—Fiat dated Jan. 14.

**JOHN BAINTON GILLET**, Apperley-bridge, Eccleshill, Bradford, Yorkshire, dyer, Feb. 3 and 26 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Payne & Co., Leeds; Hartley, Southampton-st., Bloomsbury, London.—Fiat dated Jan. 12.

**ROBERT AGARS**, Kingston-upon-Hull, woollen draper, Feb. 2 and 23 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Kynaston; Sols. Galloway & Bell, Hull; Payne & Co., Leeds; Hicks & Co., Gray's Inn, London.—Fiat dated Jan. 8.

**DANIEL WYNNE**, Colwyn, Carnarvonshire, innkeeper provision dealer, and wheelwright, Feb. 6 and 27 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sols. Jones, Liverpool; Oldfield, Holywell, Flintshire; Cox & Co., Lincoln's Inn-fields, London.—Fiat dated Jan. 13.

**ROBERT KILPATRICK** and **JAMES SMITH**, Liverpool, rope manufacturers, Feb. 6 and March 3 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Duncan & Radcliffe, Liverpool; Gregory & Co., Bedford-row, London.—Fiat dated Jan. 9.

#### MEETINGS.

*Thos. Bishton*, Kilsall, Shropshire, and Langley-field Iron-works, Dawley, Shropshire, iron master, Feb. 10 at 11, District Court of Bankruptcy, Birmingham, pr. d.—*John Elliott*, Brandon-hill, Bristol, coal merchant, Feb. 3 at 12, ch. ass.—*Henry Rowbotham* and *Robert Johnson Kenworthy*, Brinkaway, near Stockport, Cheshire, and Manchester, calico printers, Feb. 6 at 11, District Court of Bankruptcy, Manchester, last ex.—*Roderick Mackenzie*, Hunter-st., Branswick-square, Middlesex, and Bond-court, Walbrook, London, commission agent, Feb. 13 at 11, Court of Bankruptcy, London, aud. ac.—*Ann Barker*, Lowndes-terrace, Knightsbridge,

and Wilton-place, Knightsbridge, Middlesex, wine merchant, Feb. 13 at half-past 1, Court of Bankruptcy, London, aud. ac.—*Elijah Cook*, Little Newport-st., Soho, Middlesex, grocer, Feb. 13 at half-past 12, Court of Bankruptcy, London, aud. ac.—*James Welch Braddick*, Baptist-mills, Bristol, and Sodbury, Gloucestershire, tanner, Feb. 12 at 12, District Court of Bankruptcy, Bristol, aud. ac.; Feb. 17 at half-past 1, fin. div.—*Jos. Raymond King*, Bath, druggist, Feb. 19 at 11, District Court of Bankruptcy, Bristol, aud. ac.; Feb. 24 at 1, div.—*Jas. Dowle*, Chepstow, Monmouthshire, wine merchant, Feb. 12 at 11, District Court of Bankruptcy, Bristol, aud. ac.; Feb. 17 at 1, div.—*Thos. Fielder Skillam*, Dudbridge, Gloucestershire, wool broker, Feb. 24 at 11, District Court of Bankruptcy, Bristol, aud. ac.; March 3 at 11, div.—*Joseph Gainer*, Bridgend, Stonehouse, Gloucestershire, dyer, Feb. 24 at 12, District Court of Bankruptcy, Bristol, aud. ac.; March 3 at 1, div.—*Hugh Pughe Price*, Holywell, Flintshire, linen draper, Feb. 12 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Feb. 19 at 12, div.—*John Hughes*, Manchester, provision dealer, Feb. 12 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Feb. 19 at 12, div.—*Wm. Atkin*, Stockton-upon-Tees, Durham, grocer, Feb. 10 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*John Joplin*, Bishopwearmouth, Durham, draper, Feb. 10 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; Feb. 13 at 12, div.—*Jas. Blacket*, Stokeley, Yorkshire, flax spinner, Feb. 10 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*Wm. Jos. Cooper* and *J. Beattie*, North Shields, Northumberland, drapers, Feb. 10 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*Rich. Nicholson*, Stockton, Durham, bookseller, Feb. 10 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; Feb. 13 at 11, fin. div.—*Ch. Dunn*, Birmingham, gilt toy maker, Feb. 14 at 12, District Court of Bankruptcy, Birmingham, aud. ac.—*Jos. Browne*, Kidderminster, Worcestershire, silversmith, Feb. 14 at 12, District Court of Bankruptcy, Birmingham, aud. ac.—*Benj. Ling*, Fore-street, Limehouse, Middlesex, timber dealer, Feb. 13 at half-past 11, Court of Bankruptcy, London, div.—*Rich. White*, Portsmouth, surgeon, Feb. 13 at 12, Court of Bankruptcy, London, div.—*Geo. Noel* and *Wm. Noel*, Jermyn-st., St. James, Westminster, boot makers, Feb. 10 at 11, Court of Bankruptcy, London, fin. div. joint and sep. est.—*George Payne*, King-st., Covent-garden, Middlesex, tailor, Feb. 12 at 11, Court of Bankruptcy, London, div.—*Geo. Haywood*, Luton, Bedfordshire, bricklayer, Feb. 10 at 12, Court of Bankruptcy, London, div.—*Charles Norman*, Cumberland-mews, Edgeware-road, Middlesex, coach builder, Feb. 18 at 2, Court of Bankruptcy, London, div.—*Geo. Sawyer*, Lewes, Sussex, tailor, Feb. 17 at 11, Court of Bankruptcy, London, div.—*Evan Meredith*, Liverpool, linen draper, March 10 at 11, District Court of Bankruptcy, Liverpool, div.—*Francis Sneade*, Chester, timber merchant, Feb. 10 at 12, District Court of Bankruptcy, Liverpool, div.—*Wm. Jos. Cooper* and *J. Beattie*, North Shields, Northumberland, drapers, Feb. 12 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, div.—*Jas. Driver*, Slawston, Leicestershire, victualler, Feb. 16 at 11, District Court of Bankruptcy, Birmingham, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*George Payne*, King-st., Covent-garden, Middlesex, tailor, Feb. 12 at 11, Court of Bankruptcy, London.—*John Wake*, Silverstone, Northamptonshire, timber merchant, Feb. 12 at half-past 12, Court of Bankruptcy, London.—*Thos. Mortimer*, East-lane, Walworth, Surrey, victualler, Feb. 11 at half-past 1, Court of Bankruptcy, London.—*John Thomas*, Bristol, marble mason, Feb. 19 at 11, District Court of Bankruptcy, Bristol.—*John Joplin*, Bishopwearmouth, Durham, draper, Feb. 13 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne.—*James Hulme*, Manchester, paper dealer, Feb. 12 at 12, District Court of Bankruptcy, Manchester.—*Jas. Butterworth*, Manchester, plumber, Feb. 12 at 12, District Court of Bankruptcy, Manchester.—*Hen. Rose*, Blackburn, Lancashire, drysalter, Feb. 14 at 12, District Court of Bankruptcy, Manchester.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before Feb. 10.*

*Thos. Foot Piper*, Cheapside and Bishopgate-street-without, London; *Thomas-place*, North-st., Whitechapel, Mid-

deux; and Landport, Hampshire, wholesale stay manufacturer.—*John Harvard*, Brook-st., Bond-st., Middlesex, lamp maker.—*James Trank*, George-place, Newland-terrace, Kensington, Middlesex, cowkeeper.—*John Mortimer*, Adelaide-street, West Strand, Middlesex, bookseller.—*Thomas Barnes Vayhes*, Poulton-cum-Spittal, Cheshire, farmer.—*Mark Barnes*, Woodbridge, Suffolk, chemist.—*Fran. Wm. Searle*, Upper Gloucester-place, Chelsea, Middlesex, cheesemonger.

## FIAT ANNULLED.

*John Lewis*, Tipton, Staffordshire, grocer.

## PARTNERSHIP DISSOLVED.

*John Pinniger* and *Hen. Seymour Westmacott*, John-st., Bedford-row, Middlesex, attorneys and solicitors.

## SCOTCH SEQUESTRATIONS.

*Hugh Smith*, Ardrossan, druggist.—*Wm. Waugh*, Kilmarnock, hat manufacturer.—*Wm. Dunn*, Kilwinning, merchant.—*Jos. Senior*, Leslie, merchant.—*John Kilpatrick*, Glasgow, fisher.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Alex. Carroll* the younger, Rhavader, Radnorshire, out of business, Jan. 24 at 2, Court of Bankruptcy, London.—*Wm. Frederick Rand* the younger, Kennington-green, Kennington, Surrey, china and glass dealer, Jan. 26 at half-past 11, Court of Bankruptcy, London.—*Edw. Atkey*, Ryde, Isle of Wight, Southampton, house carpenter, Jan. 26 at 12, Court of Bankruptcy, London.—*Chas. Johnson Reed*, Lydd, Kent, baker, Jan. 26 at 11, Court of Bankruptcy, London.—*Jos. Pocock*, North-place, River-st., Putney, Surrey, grocer, Jan. 24 at 2, Court of Bankruptcy, London.—*James John Bragg*, Speenhamland, Newbury, Berkshire, stage coachman, Jan. 24 at 12, Court of Bankruptcy, London.—*Wm. Albertini Arnati*, Gt. Putney-st., Golden-sq., Middlesex, clerk in the Accountant-General's Office, General Post-office, St. Martin's-le-Grand, London, Jan. 26 at 12, Court of Bankruptcy, London.—*William Arnold*, Canterbury, public-house keeper, Jan. 24 at 12, Court of Bankruptcy, London.—*Thomas Manning*, Hermitage-street, Paddington, Middlesex, grocer, Jan. 24 at half-past 11, Court of Bankruptcy, London.—*William Sandover*, Stockbridge-terrace, Pimlico, Middlesex, tailor, Jan. 24 at 11, Court of Bankruptcy, London.—*Arthur Murray*, Wigmore-street, Cavendish-square, Middlesex, not in any trade, Jan. 24 at 11, Court of Bankruptcy, London.—*Thos. John Newman* the younger, Jan. 24 at 11, Court of Bankruptcy, London.—*Joseph Parry*, Deptford, Kent, cheesemonger, Jan. 29 at 1, Court of Bankruptcy, London.—*C. J. Fielden*, Killisford-place, Hackney-road, Middlesex, out of business, Jan. 29 at 1, Court of Bankruptcy, London.—*Wm. Figg*, Brighton, Sussex, Ordnance clerk, Feb. 4 at 12, Court of Bankruptcy, London.—*Thomas Cumby*, East-street, Manchester-square, St. Marylebone, Middlesex, gas fitter, Jan. 29 at 11, Court of Bankruptcy, London.—*Benj. Benjamin*, French-alley, Goswell-street, Middlesex, cab driver, Feb. 4 at 11, Court of Bankruptcy, London.—*Jos. Briggs*, Hanbury's-fields, Bricklane, Spitalfields, Middlesex, coach maker, Feb. 4 at 11, Court of Bankruptcy, London.—*Thomas Spry*, Launceston, Cornwall, gardener, Jan. 29 at 1, District Court of Bankruptcy, Exeter.—*James Harrison*, Mottram in Longdendale, Cheshire, innkeeper, Feb. 3 at 12, District Court of Bankruptcy, Manchester.—*Samuel Beamish*, Cheltenham, Gloucestershire, nurseryman, Feb. 10 at 1, District Court of Bankruptcy, Bristol.—*John Edwards*, Trowbridge, Wiltshire, shoemaker, Feb. 9 at 11, District Court of Bankruptcy, Bristol.—*Jas. Parsons*, Bristol, contractor for conveying her Majesty's mails, Feb. 9 at 11, District Court of Bankruptcy, Bristol.—*Samuel B. Woodhouse*, Nottingham, glove manufacturer, Jan. 26 at 10, District Court of Bankruptcy, Birmingham.—*Henry Tulip Bradon*, Monkwearmouth, Durham, ship brokers, Feb. 3 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Wm. H. Thompson* the younger, Exeter, out of business, Jan. 28 at 11, District Court of Bankruptcy, Exeter.—*J. Dreadon*, Plymouth, Devonshire, timber dealer, Jan. 29 at 1, District Court of Bankruptcy, Exeter.—*John Baragwanath*, Falmouth, Cornwall, innkeeper, Feb. 5 at 11, District Court of Bankruptcy, Exeter.

Saturday, Jan. 17.

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*Thomas Wright*, Blackmoor-street, Clare-market, Middlesex, cheesemonger, No. 57,895 T.; *Henry Rawley*, assignee.—*James Cross*, Hulme, Manchester, provision shopkeeper, No. 64,207 C.; *John Norton*, assignee.—*William Broom*, her Majesty's ship Calcutta, Hamaoze, Cornwall, gunner in the Royal Navy; No. 66,850 C.; *Moses Solomon*, assignee.

Wednesday, Jan. 17.

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Richard Adams*, Denmark-street, Islington, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Thomas Corney*, Sutton, Surrey, cattle salesman: in the Gaol of Surrey.—*James Cooper*, Rochester-row, Westminster, Middlesex, grocer: in the Queen's Prison.—*H. Beck*, Cockspur-st., Charing-cross, Middlesex, linen draper's shopman: in the Debtors Prison for London and Middlesex.—*H. Clark*, Woodbine-cottages, Stamford-road, Kingsland, Middlesex, builder: in the Debtors Prison for London and Middlesex.—*S. E. C. Hackett*, Orange-street, Red Lion-square, Middlesex, baker: in the Debtors Prison for London and Middlesex.—*Thomas Walker*, Bermondsey-street, Bermondsey, Surrey, out of business: in the Gaol of Surrey.—*David Bather*, Clapham, Surrey, out of business: in the Queen's Prison.—*Wm. Atkinson*, Blackheath-hill, Greenwich, Kent, warehouseman: in the Debtors Prison for London and Middlesex.—*Ed. Bristow*, Cheshunt, Hertfordshire, stage coachman: in the Gaol of Huntingdon.—*Jas. Privett*, Pulteney-bridge, Bath, Somersetshire, saddler: in the Gaol of Wilton.—*Jas. Welch*, Slaughterford, Wiltshire, foreman to a paper maker: in the Gaol of Fisherton Anger.—*Mich. Seaman*, Colchester, Essex, out of business: in the Gaol of Colchester.—*Rob. Gardener*, Great Malvern, Worcestershire, shoe maker: in the Gaol of Worcester.—*Fred. Tillett*, Harleston, Norfolk, cabinet maker: in the Gaol of Norwich.

*The following Prisoners are ordered to be brought before the Court, in Portugal-st., on Tuesday, Feb. 3, at 9.*

*John Moses Frankcom*, Friar-st., Suffolk-st., Southwark, Surrey, out of business.—*Geo. Jullier*, Alfred-pl., Sidney-st., Mile-end, Middlesex, dealer in naphtha lamps.—*Jas. Winwood Coster*, Grove-cottages, Cornwall-place, Holloway, Middlesex, in no business.—*John Rock Day*, James-street, St. John's-wood, Middlesex, out of business.—*John Dunn* the elder, Margaret-st., Cavendish-sq., Middlesex, surgeon dentist.—*Gavin Ricardo*, Merlin's-place, Wilmington-sq., Middlesex, attorney's clerk.

Feb. 4, at the same hour and place.

*Fred. Wm. Jennings*, Great Leonard-st., Shoreditch, Middlesex, piano-forte maker.—*Joseph T. Catton*, Great May's-buildings, St. Martin's-lane, Middlesex, medical student.—*Samuel Malcolm*, Bromell's-road, Clapham, Surrey, potatoe salesman.—*Wm. S. Matthews*, Bishop's Stortford, Hertfordshire, linen draper.—*Jas. Young*, Aldgate, London, licensed victualler.—*Edw. W. Cobb*, Stamford-st., Blackfriars-road, secretary to a railway company.

## MEETING.

*John Latham*, Windle, near St. Helen's, Lancashire, retail dealer in ale, Feb. 5, Court for Relief of Insolvent Debtors, Portugal-st., Lincoln's-inn-fields, London, pr. d.

FRIDAY, JANUARY 23.

## BANKRUPTS.

*JOHN TUDDENHAM*, Pickering-place, Bayswater, Middlesex, builder, Feb. 5 at 2, and March 12 at half-past 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Dolman, Clifford's Inn.—Fiat dated Jan. 19.  
*JOSEPH CLEARY*, Church-road, De Beauvoir-sq., Middlesex, builder, Feb. 5 at half-past 1, and March 12 at 1, Court of Bankruptcy, London: Off. Ass. Alsager; Sol. Bishop, Lincoln's-inn-fields.—Fiat dated Jan. 21.



**ROBERT BAKER**, Hythe, Fawley, Hampshire, stone-mason, dealer and chapman, Feb. 5 at 1, and March 12 at half-past 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Townsend, 17, Howland-street.—Fiat dated Jan. 20.

**JOHN CARLISLE**, Little Love-lane, Wood-street, London, commission agent, merchant, dealer and chapman, Feb. 3 at 2, and March 3 at 1, Court of Bankruptcy, London: Off. Ass. Groom; Sol. Bagster, 3, Sise-lane, City.—Fiat dated Jan. 22.

**JOHN LINNIT**, Argyll-place, Regent-st., Middlesex, goldsmith and jeweller, Feb. 6 at 2, and March 6 at half-past 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Boulton, 21 A Northampton-square.—Fiat dated Jan. 12.

**JOSEPH HUTCHINSON HIPWOOD**, Cornhill, London, merchant, dealer and chapman, Feb. 3 at half-past 1, and March 6 at half-past 11, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Morris & Co., Moorgate-street-chambers, City.—Fiat dated Jan. 17.

**DAVID HUTSON**, St. Alban's, Hertfordshire, agent, dealer and chapman, Jan. 30 at half-past 12, and March 14 at 11, Court of Bankruptcy, London: Off. Ass. Green; Sols. Weal & Co., Falcon-st., Fleet-st.—Fiat dated Jan. 21.

**BARTHOLOMEW CALWAY**, Tooley-street, Southwark, Surrey, draper, dealer and chapman, Feb. 6 at 1, and March 14 at 12, Court of Bankruptcy, London: Off. Ass. Green; Sols. Reed & Langford, 59, Friday-street.—Fiat dated Jan. 21.

**JOHN TURNER**, Brooke-street, Holborn, Middlesex, manufacturer of and dealer in printing materials, trader, dealer and chapman, Feb. 2 at half-past 11, and March 5 at 11, Court of Bankruptcy, London: Off. Ass. Turquand; Sols. Willoughby, Clifford's Inn.—Fiat dated Jan. 22.

**JOHN COKER**, Narford, Norfolk, timber dealer, builder, dealer and chapman, Feb. 4 at half-past 2, and Feb. 27 at 2, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Pillans, Swaffham, Norfolk; Dufaur, South-square, Gray's Inn.—Fiat dated Jan. 10.

**WILLIAM BUCHANAN**, Old Jewry-chambers, London, merchant, Feb. 4 at half-past 12, and Feb. 27 at 1, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Stafford, Buckingham-st., Strand.—Fiat dated Jan. 21.

**SAMUEL BATEMAN HOLDER**, London, merchant, dealer and chapman, Feb. 4 and March 4 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Gregory & Co., Bedford-row.—Fiat dated Jan. 12.

**JOHN ROBERTS and HUGH HUGHES**, Deansgate, Manchester, linen drapers and mercers, dealers and chapmen, (carrying on business under the style and firm of Roberts & Hughes), Feb. 5 and 26 at 11, District Court of Bankruptcy, Manchester: Off. Ass. Hebbson; Sols. Sale & Co., Manchester; Reed & Langford, Friday-st., Cheapside, London.—Fiat dated Jan. 19.

**JAMES FREEMAN**, Doctor of Medicine, Cheltenham, Gloucestershire, board and lodging-house keeper, Feb. 5 and March 6 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sols. Hall & Co., Verulam-buildings, Gray's Inn, London.—Fiat dated Dec. 30.

**THOMAS HODGSON**, Liverpool, bookseller and stationer, Feb. 6 and 27 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Payne, Liverpool; Vincent & Co., Temple, London.—Fiat dated Jan. 20.

**THOMAS KNIGHT and MICHAEL THOMAS KNIGHT**, Bath, Somersetshire, upholsterers, furniture brokers, dealers and chapmen, Feb. 10 and March 10 at 12, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sols. Graves & Co., Bath; Galsworthy & Co., Cook's-court, Lincoln's Inn.—Fiat dated Jan. 15.

**BENJAMIN CROSSLAND**, Fenay-bridge, near Huddersfield, Yorkshire, heald knitter, dealer and chapman, Feb. 12 and 26 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Atkinson & Co., Manchester; Abbott, Charlotte-st., London.—Fiat dated Jan. 8.

**GEORGE MIDDLETON**, Nottingham, wine and spirit merchant, Feb. 6 and March 6 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Brown, Nottingham; Smith, Birmingham.—Fiat dated Jan. 15.

**JOHN ARNOLD**, Walsall, Staffordshire, woollen draper, dealer and chapman, Feb. 5 and March 5 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Smith, Walsall; Smith, Birmingham.—Fiat dated Jan. 14.

#### MEETINGS.

**Wm. Spencer**, Wallingford, Berkshire, common brewer, Feb. 5 at half-past 1, Court of Bankruptcy, London, pr. d.—**Abraham Henry Chambers** the elder, and **Abraham Henry Chambers** the younger, New Bond-st., and South Molton-st., Middlesex, bankers, Feb. 13 at 11, Court of Bankruptcy, London, pr. d.—**Philip Phillips**, Birmingham, steel pen maker, Feb. 6 at 12, District Court of Bankruptcy, Birmingham, ch. ass.—**Joseph Mass**, Warwick, grocer, Feb. 18 at 11, District Court of Bankruptcy, Birmingham, last ex.; at 12, div.—**Mark Sturley**, Southam, Warwickshire, organ builder, Feb. 5 at 11, District Court of Bankruptcy, Birmingham, last ex.—**Thos. Smith** and **Geo. Smith**, Bishop Auckland, Durham, ironmongers, Feb. 5 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—**Benj. Baldwin**, Liverpool, and Manchester, and Old Jewry, London, warehouseman, Feb. 14 at 2, Court of Bankruptcy, London, and ac.—**Rich. Coleman** and **Edwin Robert Hall**, Colchester, Essex, ironfounders, Feb. 17 at 12, Court of Bankruptcy, London, and ac. and div.—**Susan Saunders**, Golden-square, St. James's, Westminster, lodging-house keeper, Feb. 17 at 11, Court of Bankruptcy, London, and ac.—**Sam. Lawrence**, Bedford-st., Covent-garden, Middlesex, dealer in watches, Feb. 17 at 11, Court of Bankruptcy, London, and ac.—**Wm. Field Newman**, Norton, Gloucestershire, horse dealer, Feb. 26 at 11, District Court of Bankruptcy, Bristol, and ac.—**Wm. Hen. Turner** and **Thos. Blacker Turner**, Blackburn, Lancashire, cotton-spinners, Feb. 6 at 12, District Court of Bankruptcy, Manchester, and ac.; Feb. 17 at 12, div.—**Wm. Bantler**, Lichfield, clock maker, Feb. 21 at 11, District Court of Bankruptcy, Birmingham, and ac.; Feb. 23 at 11, div.—**Thos. Kemp** and **Rich. Davies**, Aston near Birmingham, builders, Feb. 21 at 11, District Court of Bankruptcy, Birmingham, and ac.—**Hugh Jones Owen**, Madeley, Shropshire, surgeon, Feb. 20 at half-past 12, District Court of Bankruptcy, Birmingham, and ac.—**Thos. Smallwood**, Drayton in Hales, Shropshire, banker, Feb. 17 at 11, District Court of Bankruptcy, Birmingham, and ac.; Feb. 20 at 11, div.—**B. Toddhunter**, Mincing-lane, London, dyer, Feb. 13 at 2, Court of Bankruptcy, London, div.—**Geo. Thos. Whittington**, Great St. Helen's, London, merchant, Feb. 13 at half-past 1, Court of Bankruptcy, London, div.—**Thos. Mair**, Broad-st.-buildings, London, merchant, Feb. 13 at 1, Court of Bankruptcy, London, div.—**John Littlewood**, New Bond-street, Hammer-square, Middlesex, hosier, Feb. 13 at 11, Court of Bankruptcy, London, div.—**John Lowther**, Queen's-row, Pentonville, Middlesex, builder, Feb. 17 at 1, Court of Bankruptcy, London, div.—**J. Owensworth**, Newark, Nottingham, grocer, March 7 at 11, District Court of Bankruptcy, Birmingham, and ac. and div.—**John Lawrence**, Hales Owen, Shropshire, and Edgbaston, near Birmingham, coal master, Feb. 16 at 11, District Court of Bankruptcy, Birmingham, fin. div.—**Geo. Last**, Birmingham, general merchant, Feb. 16 at 11, District Court of Bankruptcy, Birmingham, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on the Day of Meeting.*

**Wm. Youle**, Addle-st., Wood-st., London, commission agent, Feb. 13 at 12, Court of Bankruptcy, London.—**Geo. Sawyer**, Lewes, Sussex, tailor, Feb. 17 at 11, Court of Bankruptcy, London.—**John Mayland**, Fetter-lane, London, grocer, Feb. 17 at 1, Court of Bankruptcy, London.—**John Brown**, Hornsey-road, Middlesex, builder, Feb. 13 at 2, Court of Bankruptcy, London.—**Wm. Ashcroft** the elder, Bere-street, Butcher-row, Radcliffe, Middlesex, cooper, Feb. 17 at 12, Court of Bankruptcy, London.—**Wm. Hen. Bond**, Bow-lane, Cheapside, London, ale merchant, Feb. 17 at half-past 11, Court of Bankruptcy, London.—**Sam. Phillips**, Kingston-upon-Hull, hatter, Feb. 13 at 11, District Court of Bankruptcy, Leeds.—**Albany Featherstonhaugh**, Great Bolton, Lancashire, butcher, Feb. 16 at 12, District Court of Bankruptcy, Manchester.—**John Collins**, Salford, Lancashire, common brewer, Feb. 18 at 12, District Court of Bankruptcy, Manchester.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Feb. 13.*

*Daniel Ross, Little Lope-lane, London, warehouseman.—John Phillips, Pinners'-court, Old Broad-street, London, and Brunswick-terrace, New Peckham, Surrey, tailor.—George Sleight, Skinner-st., Snow-hill, London, dealer in ivory.—Steph. Fawcett, Chiswell-st., Middlesex, linen draper.—Miss Warr, Bessinger, Dorsetshire, auctioneer.—Solomon Solomon, Strand, Middlesex, tailor.—Chris. Day, Buckingham-st., Cleveland-st., Middlesex, chemist.*

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*David Carter, Aberdeen, machine maker.*

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Geo. Hume, Hatton, Essex, farmer, Feb. 11 at 12, Court of Bankruptcy, London.—Dun. Pamplett, Great Saffron-hill, Middlesex, grocer, Feb. 4 at 12, Court of Bankruptcy, London.—Wm. Tribe, Uxbridge, Middlesex, plumber, Feb. 4 at half-past 11, Court of Bankruptcy, London.—Thomas Post Piper, Bishopgate-street-without, London, stay manufacturer, Feb. 6 at 11, Court of Bankruptcy, London.—John Stevens, Philpot-st., Commercial-road East, coach proprietor, Feb. 6 at 11, Court of Bankruptcy, London.—Rich. Harvey, Bloomfield, Teisbury, Somersetshire, carpenter, Feb. 13 at 11, District Court of Bankruptcy, Bristol.—Thomas Lott, Scarborough, Yorkshire, shoemaker, Feb. 3 at 11, District Court of Bankruptcy, Leeds.—Joseph Lockwood, Bradford, Yorkshire, smith, Feb. 3 at 11, District Court of Bankruptcy, Leeds.—Jan. Bailey, Golcar, Huddersfield, Yorkshire, cloth manufacturer, Feb. 3 at 11, District Court of Bankruptcy, Leeds.—Sam. Mullett, Brockmoore, Kingwinford, Staffordshire, retail brewer, Feb. 24 at 11, District Court of Bankruptcy, Birmingham.—Harry Alf. Arnatt, Leicester, baker, Feb. 7 at 1, District Court of Bankruptcy, Birmingham.—W. Weeks, Bath, Somersetshire, out of business, Feb. 7 at 1, District Court of Bankruptcy, Exeter.—F. Murphy, Liverpool, cotton porter, Feb. 6 at 12, District Court of Bankruptcy, Liverpool.—Felix Trainor, Newcastle-upon-Tyne, licensed hawker, Feb. 3 at 2, District Court of Bankruptcy, Newcastle-upon-Tyne.—John Rushforth, Carlisle, Cumberland, plasterer, Feb. 12 at 2, District Court of Bankruptcy, Newcastle-upon-Tyne.*

*Saturday, Jan. 21.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Wm. John Chetwynd the younger, Newington-causeway, Surrey, clerk in the General Post-office: in the Queen's Prison.—Charles Snuggs, Gifford-street, Fleming-street, Kingsland-road, Middlesex, auctioneer: in the Debtors Prison for London and Middlesex.—Robert Edwards, Gro Lansaintfrid, Montgomeryshire, auctioneer: in the Gaol of Montgomery.—John Baldwin, Yeadon, near Leeds, Yorkshire, out of business: in York Castle.—John Hodgson, Sandbeds, Clayton, near Bradford, Yorkshire, house painter: in the Gaol of York.—T. B. W. Rowley, Ulverston, Lancashire, attorney at law: in the Gaol of Lancaster.—Thos. D. Coates, Leeds, Yorkshire, out of business: in the Gaol of York.—J. Frankland, Fremington, near Reeth, Yorkshire, labourer: in the Gaol of York.—Richard Brook, Bradley, near Huddersfield, Yorkshire, stone mason: in the Gaol of York.—Geo. Brook, Kirkheaton, near Huddersfield, Yorkshire, stone mason: in the Gaol of York.—George Hardy, Mirfield, near Dewsbury, Yorkshire, stone mason: in the Gaol of York.*

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Friday, Feb. 6 at 9.*

*John Vinten, John-street, Grosvenor-mews, Middlesex, boot maker.—James Proust, Swan-street, Old Kent-road, Surrey, out of business.—Andrew Sheill, Mortimer-place, Mortimer-road, Dalston, Middlesex, baker.*

**The Right Hon. Sir Nicolas Conyngham Tindal, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas, has appointed William Rees, of the town of Haverfordwest, Gent., to be one of the Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women, in and for the town and county of the town of Haverfordwest, also in and for the county of Pembroke.**

**MASTER IN CHANCERY.**—The Lord Chancellor has appointed Francis Richard Southern, the younger, of Walsall, in the county of Stafford, Gent., to be a Master Extraordinary in the high Court of Chancery.

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Printed by WALTER M'DOWALL, PRINTER, residing at No. 4, Pemberton Row, Gough Square, in the Parish of St. Bride, in the City of London, at his Printing Office, situate No. 5, Pemberton Row aforesaid; and Published at No. 3, CHANCERY-LANE, in the Parish of St. Dunstan in the West, in the City of London, by HENRY SWEET, LAW BOOKSELLER and PUBLISHER, residing at No. 11, John Street, Bedford Row, in the County of Middlesex. Saturday, January 24, 1846.

# The Jurist

No. 473—VOL. X. JANUARY 31, 1846. Price 1s., with Supplement, 2s.

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LONDON, JANUARY 31, 1846.

We think we may venture to say, without disrespect to those members of the Profession who do not practise in the common law courts, that difficulties not uncommonly arise in seeking legal remedies upon deeds or other instruments, from the framers of them not having been conversant with the doctrines of those courts. It is one of the evils necessarily attendant upon the division of labour which everywhere prevails, but it becomes these pages, devoted as they are to the Profession generally, to endeavour to counteract this tendency, and we, therefore, in our present Number, present to the notice of our readers, especially of those of the class to which we have alluded, the following decisions of courts of common law respecting the construction of covenants:—

In *Eccleston v. Cliphaw*, (1 W. Saund. 153), it was held, that, though a covenant be joint and several in the terms of it, yet, if the interest and cause of action be joint, the action must be brought by all the covenantees. And, on the other hand, if the interest and cause of action be several, the action may be brought by one only. This rule has been followed in a variety of cases, which may all be found referred to in the notes to the above case; and the general rule established by them is, that, wherever the interest of the covenantees is joint, although the covenant be in terms joint and several, the action follows the nature of the interest, and must be brought in the names of all the covenantees; but, where the interest of the covenantees is several, they may maintain separate actions, though the language of the covenant be joint. In a note to Shep. Touch. 166, Mr. Preston, observing upon this rule, and upon the language of Sir Vicary Gibbs in *James v. Emery*, (5 Price, 533), lays down as the correct rule, that, by express words, clearly indi-

cative of the intention, a covenant may be joint or joint and several to or with the covenantors or covenantees, notwithstanding the interests are several,—so they may be several, although the interests are joint. But the implication or construction of law when the words are ambiguous, or are left to the interpretation of law, will be, that the words have an import corresponding to the interest, so as to be joint when the interest is joint, and several when the interest is several; notwithstanding language, which, under different circumstances, would give to the covenant a different effect.

In *Sorsbie v. Park*, (12 Mee. & W. 146; 13 Law Journ., N. S., Exch., 9), this qualification of Mr. Preston of the rule above noticed was brought before the Court of Exchequer, and adopted by that court. “I think the rule,” said one of the judges, “is plain and certain, and requires no authority; it is correctly stated by Mr. Preston, in the passage in Sheppard's Touchstone which Mr. Temple has cited. Where the words of a covenant are in their nature ambiguous, so that they may be construed either way, then the deed in which they are inserted supplies the mode of their construction. If it exhibit a several interest in the parties, you may construe it as a several covenant, and vice versa. But there is no rule to say, that words, which are expressly a joint covenant by several persons, shall be construed as a several covenant, unless there is something to lead to that construction.” And another, “I think the correct rule is laid down by Gibbs, C. J., in the case of *James v. Emery*, with the qualification stated by Mr. Preston, in the note in Sheppard's Touchstone, 166. That rule is, that a covenant will be construed to be joint or several according to the interest of the parties appearing upon the face of the deed, if the words are capable of that construction; not that it will be construed to be several by reason of several interests if it be expressly joint.”

In *Mills v. Ladbroke*, (7 M. & G. 218; 7 Scott, 1005; 8 Jur. 247; 13 Law Journ., N. S., C. P., 122), Mr. Preston's qualification of the rule was adverted to by the court, but without assent or dissent, as the case was capable of decision, assuming the rule to be unqualified. In more recent cases, however, the correctness has been directly brought in issue, and the result, as we apprehend, has been to establish the unqualified rule.

But a short time before the decision of *Sorsbie v. Park*, the Court of Queen's Bench had, in its judgment in *Foley v. Addenbrooke* (4 Q. B. Rep. 197; 3 G. & D. 64; 7 Jur. 234; 13 Law Journ., N. S., Q. B., 163), recognised the result of the cases as being as before stated, without noticing the qualification of Mr. Preston, but to which, indeed, their attention had not been called. The case, therefore, is not entitled to be considered as of much importance.

But *Hopkinson v. Lee* (14 Law Journ., N. S., Q. B., 101; 9 Jur. 616) is of a different character, coming after the decision of the Court of Exchequer, and expressly passing judgment upon it. In that case the words of the covenant were, "That the defendant and T. M. Lee, in consideration of the premises and of the advance of the sum of 2000*l.*, covenanted with the plaintiff, his executors, administrators, and assigns, and also as a separate and distinct covenant with and to the said A. C. Hogg, his executors, administrators, and assigns, in manner following; that is to say," &c. It was contended for the defendant, that the plaintiff ought to have joined A. C. Hogg in the action, she having, as appeared to be the fact, an interest in the common fund. *Sorsbie v. Park* was cited and relied upon for the plaintiff; and the correctness of the qualification introduced by Mr. Preston, and recognised by the judges in that case, was denied by the Court of Queen's Bench, who directed a nonsuit to be entered. We quote that part of the judgment which is more particularly applicable to the point in question:—

Lord Denman, C. J.—“The question in this case was, whether a nonsuit ought to be entered on account of the action being brought by the plaintiff only, when the covenant in contemplation of law was said to be made by the defendant with the plaintiff and one Anne Caroline Hogg jointly. That it is so made is argued upon the authority of a very long series of cases, of which *Slingsby's case* (5 Rep. 18 b, 19 a) is the leading one, and although by no means the oldest case, yet more entitled to respect, because founded on principle; the reason of which is adopted, sanctioned, and fully explained by Lord Kenyon, in *Anderson v. Martindale*, (1 East, 497), who comments upon it, and whose subsequent decision received the silent acquiescence of the whole court. This case does not appear to have been overruled or questioned. It was acted upon in the court of error, over which Gibbs, C. J., presided, in 1818, in *James v. Emery*, (5 Price, 533; S. C., 8 Taunt. 215). The same rule is laid down in *Shepard's Touchstone*, p. 166; but the last very learned editor of that work (Mr. Preston) has there originated a doubt whether it is not expressed too generally. He refers to several cases, none of which impugn or qualify the rule; and, what is truly remarkable, he does not even name *Anderson v. Martindale*. Mr. Preston in-

troduces an exception, not grounded on judicial authority, namely, that the covenants must be ambiguous, before that which is *prima facie* either joint or several can be properly construed as several or joint, according to the interest of a covenantee. He cites *Salkeld*, p. 393, which gives no countenance to the exception; and he cites 2 Rolle's Abridgment, p. 419, which relates to a wholly different matter. We have looked into not only the second, but the first, Rolle's Abridgment, p. 419, which is under the title 'Condition,' and also at p. 519, which comprises the head of 'Covenant;' but in neither place does this doctrine at all appear. Mr. Preston thus concludes his observations: 'The general rule proposed by Sir Vicary Gibbs, and to be found in several books, would establish that there was a rule of law too powerful to be controlled by an intention, however express.' But we think that there is no ground for Mr. Preston's apprehension, that words perfectly plain and unambiguous, confining the contract expressly to one person, and excluding all others from its operation, will be strained by the law so as to comprehend those whom it took pains to exclude. The true explanation of the rule is rather this: that the whole covenant, taken together, extends to both covenantees, and not to either of them, although separately named in some of its words, by reason of the joint interest of the subject-matter of the action appearing on the face of the covenant itself. Such being the state of authorities, a special case was reserved from the assizes for the Court of Exchequer, where certain persons with whom a covenant had been made sued the covenantees upon it. The deed, being fully set out, was found to make the defendants covenant with the plaintiffs for themselves and others; and, in Easter Term, 1843, the court held, in strict conformity with all the cases, that a nonsuit ought to be entered, because all the others had not been joined as plaintiffs in bringing the action, although the covenant declared on was made with the plaintiffs alone. But the plaintiff here founds his argument upon some dicta which fell from the late Lord Chief Baron and from Mr. Baron Parke, applicable not to that case, but only to the converse of it, which was represented as at variance with the old law. Unluckily, no reference was made to *Anderson v. Martindale*; and the court, justly thinking the case too clear for argument, stopped the learned counsel who supported it. Lord Abinger thought the rule plain and certain, and that it required no authority, observing, however, 'it is correctly stated by Mr. Preston,' and then he cites the rule, with the exception. Baron Parke also thinks the correct rule is laid down by Gibbs, C. J., in *James v. Emery*; still, however, with the qualification stated by Mr. Preston. These learned judges could not intend to overrule *Anderson v. Martindale*, which was not brought before them; nor, if they did, could we agree to be bound, by their extra-judicially declaring such intention, when their decision itself pursued the decision in that case."

The Court of Queen's Bench, therefore, dissents from the dicta in *Sorsbie v. Park*, and adheres to the law laid down in the old cases, without the qualification introduced by Mr. Preston.

The above judgment has been brought before the Court of Exchequer in a still later case, *Bradburn v.*



*Bafield*, (14 Law J., N. S., Ex., 330); and that court has explained what was meant by the dicta in *Sorsbie v. Park*, and, in effect, confirmed the doctrine held by the Court of Queen's Bench. "I mention this," says Baron Parke, who delivered the judgment, "because the Court of Queen's Bench, in the case of *Hopkinson v. Lee*, have supposed that Lord Abinger and myself had sanctioned some doctrine at variance with the case of *Anderson v. Martindale* and *Slingsby's case*, which was far from my intention to do, it being lawfully established, I conceive, by the cases that one and the same covenant cannot be made both joint and several with the covenantors and covenantees. It may be fit to observe that a part of Mr. Preston's explanation, that, by express words, a covenant may be joint and several with the covenantor or covenantees, notwithstanding the interests are several, is inaccurately expressed: it is true only of covenantors, and the case cited from Salkeld (p. 393) relates to them. Probably Mr. Preston intended no more; and I never meant to assent to the doctrine that the same covenant might be made by any words, however strong, joint and several, where the interest was joint."

The most important part, therefore, of the qualification is to be rejected; and, if Mr. Preston meant to speak of the covenantees, and it is clear, from his language, that he did, he was undoubtedly wrong. And, with respect to covenantors, the qualification was needless, as the judgment of Sir Vicary Gibbs, and the cases upon which it was founded, had reference to the parties bringing the action, and not to those against whom it was to be brought.

### MIDDLE TEMPLE.

The Benchers of the Middle Temple request that gentlemen desirous of becoming candidates for the office of Reader on Jurisprudence and the Civil Law will address the Treasurer of the Middle Temple by letter, to be left at the office of the Under Treasurer, Middle Temple, on or before the 20th February next ensuing. Candidates are requested to state the grounds and references on which their applications are rested.

The Benchers of the Middle Temple will proceed to make their election on or before the 1st March next.

29th January, 1846.

The Queen has been pleased to direct letters-patent to be passed under the Great Seal of the United Kingdom, granting the office and place of Advocate-General or Judge Martial of her Majesty's forces to the Honourable James Stuart Wortley.

The Right Hon. Sir Nicolas Conyngham Tindal, Knt., Lord Chief Justice of the Court of Common Pleas, has appointed the under-mentioned gentlemen to be Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women in and for the respective counties and districts attached to their names:—John Price, of Buntingford, in the county of Hertford, in and for the county of Hertford; Thomas Llewellyn, of Tunstall, in the county of Stafford, in and for the county of Stafford; John Joseph Wise, of Ashbourne, in the county of Derby, in and for the county of Derby.

### REPORT OF THE COMMITTEE ON LEGAL EDUCATION,

APPOINTED TO INQUIRE, BY THE

PARLIAMENT OF THE MIDDLE TEMPLE.

At a Parliament holden on the 21st November, 1845, a motion having been made by Master Bethell, of which the notice was as follows, viz.:—

That, for promoting the legal education of the students of this House, it is expedient that a lecturer be appointed for the purpose of reading on jurisprudence and the civil law; and that two or more exhibitions be founded for the benefit of such students as shall, on examination previous to their call to the Bar, shew the greatest proficiency in the subjects of such lectures; and that such lectures be open to the attendance of students of the other Inns of Court; and that, from and after the first day of Easter Term, 1846, no student of this House be called to the Bar who shall not have attended one of such terminal course of lectures; and that the societies of the other Inns be requested to concur with this society in the establishment of similar lectureships in other branches of law; and that it be referred to a committee to approve of proper regulations for carrying the above objects into effect.

It was resolved and ordered by the Bench,—

"That it is expedient that steps be taken for promoting the legal education of the students of this House; and that it be referred to a committee to ascertain and report to the Bench the best mode of carrying this resolution and the objects mentioned in the above notice of motion into effect."

Under the aforesaid order, the committee have made the following report:—

#### TO THE PARLIAMENT, &c.

Your committee having entered on the inquiry directed to them, as to the means to be adopted "for promoting the legal education of the students," recommend that the steps to be taken by the Middle Temple should be such as are best adapted for the commencement of a sound and comprehensive legal education; for they have reason to hope that the plan, thus rightly begun, will be followed out and completed by the proceedings of the other societies; so that the institutions which will be finally established by the several Inns shall afford to the students collectively a complete course of legal instruction. The committee have also adverted to the acknowledged deficiency which has long been felt to exist in the education of English lawyers, in consequence of their entire neglect of the study of jurisprudence and the civil law; although, in all places where law has been or is taught as a science, these subjects have uniformly formed the first and one of the most essential parts of legal education. From these, and many other reasons to the like effect, the committee are induced to recommend that the first step for the promotion of legal education to be taken by this House should be the appointment of a reader on jurisprudence and the civil law. To illustrate the benefits which, in the view of the committee, would result to the legal education of the students from such an appointment, it may be well to explain the sense in which the committee use the terms "civil law" and "jurisprudence," and their consequent expectation of the province and duties of the lecturer.

By the term "jurisprudence" the committee mean to indicate general jurisprudence, as distinguished from the particular jurisprudence of any individual nation; and which, in further explanation of their meaning, they would divide into positive jurisprudence, or the



philosophy of positive law, and comparative jurisprudence, or the exhibition of the principles of positive law in an embodied form, by a comparison of the jurisprudence of modern nations. In the first, they would have the lecturer also include the important subject of the "Interpretation of Laws;" and, under the latter head of comparative jurisprudence, the "Conflict of Laws" may, with propriety, be comprised.

By the term "civil law" the committee wish to indicate what may be called "Modern Roman Law," that is to say, those portions of the civil law which, being of an universal character, and applicable to the relations of modern society, have formed the basis of the jurisprudence of many continental nations, and entered so largely into our own.

The committee are of opinion that this study of the theory of the civil law may be most advantageously combined with the study of jurisprudence, and that the two united will furnish the best means of preparatory legal culture, and the formation of an enlarged and comprehensive legal mind.

In lecturing on this subject, the committee recommend that the lecturer should read with the class, first, the greater part of the Institutes, and then portions of the Pandects, accompanying that which is read with an exposition of the subject, tracing the rules and principles in the jurisprudence of modern nations, and more especially in that of our own country.

The committee believe that this plan, if properly carried out, will be of the greatest advantage to students in the commencement of their studies; and that the transition, which they desire should be constantly made, from the principles of the civil law to corresponding portions of English law, and the cases and judgments in the latter, which are most illustrative either of the agreement or differences of the two systems, will effectually tend to ground the students in a right apprehension of the principles of many of the most important portions of English law, as now practically administered. It is scarcely necessary to observe, that, to students intended for the equity bar, (and which now form a large proportion), this is the only fitting course of preparatory study.

The committee recommend that the lecturer should deliver three terminal courses, each consisting of twenty lectures, the first course between the first day of Hilary Term and the end of March; the second between the first day of Easter Term and the 10th July; and the third between the 26th October and the 24th December in every year. This division will give about two lectures to every week, of which they recommend that one should be on jurisprudence and one on the civil law, making it the text for the exposition of English law.

The committee are aware, that, to render these lectures attractive, superior qualifications will be required in the lecturer, and that his remuneration from the society should be ample; they think, however, that, as an incentive to the lecturer, part of the emolument should be dependant on the number of students; and they propose, therefore, that the annual sum of 300 guineas should be received by the lecturer from the society, and that he should also receive from every student one guinea for each terminal course of lectures.

The committee think, that, having regard to the obligation which, by the rules of the House, is now thrown on the students, of attending "readings," (which are merely nominal), and the fines imposed for non-attendance, each student might well be required to attend at least one of the terminal courses previously to being called to the Bar; but at present the committee recommend that no direction be given for enforcing attendance until some general system shall have been adopted in connexion with the other societies. With respect to

the term for which the lecturer should be appointed, the committee desire that there should be a succession of able lecturers on such extensive subjects; but they are at the same time aware that the tenure of office should be sufficiently long to afford an adequate compensation for the labour of composing a well digested course; and they, therefore, think that the lecturer should be appointed for three years, to be computed from the end of six months from the date of such appointment, which preliminary period of six months is to be allowed for the composition of the lectures, and, in respect thereof, the extra sum of one hundred guineas should be given if the lecturer shall have discharged the duties of his office during the whole period for which he is to be appointed.

Thus the lecturer will receive 1000 guineas from the society, which, with the annual sums paid by the students, the benefit of publication, and, as the committee trust, the generous feeling of deserving well of the Profession, will form a sufficient inducement to men of the highest attainments to seek the office, and to be zealous in the performance of its duties.

With respect to the qualification of the lecturer, the committee recommend that he should be either a barrister or doctor of civil law. The mode of the appointment of the lecturer is a matter of some delicacy; and the committee suggest that the bench, having received the names and testimonials of the candidates, should adopt some mode of nomination which may prevent all canvassing and personal solicitation.

The committee propose that the lectures shall be opened to the students of all the societies.

The committee next request the attention of the Bench to the second part of the system of education they recommend to be adopted, and which consists in the institution of an annual examination of students proposed for the Bar, previous to their being called. The committee do not propose that such examinations shall be made compulsory, but they think it highly desirable that an opportunity of distinguishing themselves should be afforded to all young men desirous of becoming advantageously known to the Profession in a legitimate manner; and they, therefore, propose, that, on the occasion of every call to the Bar, the names of those students who have submitted themselves to examination shall be published by the society, with such honourable addition as they shall appear to have deserved; and the committee hope and believe that the attention of the Profession will be attracted to these lists, and that many young men will be found desirous of availing themselves of this unexceptionable mode of becoming known and distinguished. The committee propose that the examination shall be conducted by three benchers, assisted by the lecturer; and that it shall consist of questions in jurisprudence, common law, equity, and conveyancing, to each of which questions a numerical value shall be attached by the examining benchers.

The committee suggest that the lectures should commence in October, 1846, unless an able lecturer can be found who is prepared to enter in Easter Term next on the duties of his office; and they also propose that the first examination shall be held in Trinity Term, 1847.

The third recommendation of the committee is necessary, for the completeness of the institutions they desire to see established.

As an additional inducement to attendance at the lectures, and to exertion at the examination, the committee propose that two exhibitions of prizes of 100 guineas each should be given by the society to the two students, who, having diligently attended at least three terminal courses of lectures, shall have passed the most meritorious examination.

The committee believe that these exhibitions will

not only prove to be a great incentive to attendance at the lectures and at the examination, but that they will also be found of great benefit to many young men of slender means; and the committee trust that the number of these rewards may be hereafter augmented.

THE FOLLOWING ORDERS WERE MADE AT A PARLIAMENT HOLDEN THE 16TH DAY OF JANUARY, 1846.

It is ordered, that the report of the Committee on Legal Education be approved of and confirmed.

And it is ordered, that a Lecturer be appointed, an Examination instituted, and two Exhibitions established, in the manner and subject to the regulations recommended by the said report.

And it is ordered, that it be referred back to the committee, to approve of such further regulations and details as may be requisite for the said several purposes, and to report the same to the next Parliament. And the committee are hereby empowered to take such steps as shall be necessary to render public the wish of this society to secure applications from gentlemen desirous of becoming candidates for the office of lecturer, and also to communicate with the other societies on the subject of this order.

We have received the above papers too late to be able to enter very fully at present upon the matter of their contents; but we so fully coincide with the general scheme embraced by them, that we cannot but congratulate the Profession on the prospect of improvement opened by the proceedings of the Parliament of the Middle Temple.

The plan proposed by the Benchers of that society embraces two objects, both of which have become of late years of an importance daily more visible.

One is, the imparting to students for the Bar, something like an organised preliminary professional education; the other is the creation of some legitimate and honourable means of obtaining distinction, before the face of the public and of the Profession, for those young men who have not the good fortune to carry with them to the Bar a powerful professional connexion.

The first is rendered almost indispensable, if the Bar would maintain its proper position; bearing in mind, that the education now required for the junior branch of the Profession, is so far superior to that which the attorney of even a quarter of a century ago was expected to possess, that the Young-England solicitor, if we may so designate the new generation, is no longer the man of mere quiddities and technicalities,—no longer the *leguleius quidam cautor formularum*,—but a well-educated gentleman, and a fair lawyer. If men at the Bar desire to be what they ought to be, still the guides and advisers of the junior branch, they must also press forward, and justify their claim to a substantial title to lead.

The second object of the Benchers of the Middle Temple is rendered most necessary by the rapid advance of that blighting system, under which the chance of success of the young lawyer depends more upon the "following" that he brings into the field, than upon his knowledge and ability.

The etiquette indispensable to the status of the Bar, (an etiquette so indispensable, that they who writhe most under its consequences, are the foremost to main-

tain it), requires that the Barrister should not seek business, but wait till opportunity is afforded to him. But as there are scarcely any modes open to the young counsel, by which he can make proof of his talent, until he has obtained business, it follows, that the arising of any opportunity for the diligent and able man, depends less upon the extent of his diligence and ability, than upon the extent of his connexions. And hence, while many are ruined and some even killed by the pressure of a premature business, heavier than they can bear, there are others, and in no small numbers, who are destroyed by disappointment, because, being unknown, they are powerless to evince their aptitude for business.

This mischief probably never can be wholly removed, but it will be much diminished by the proposed plan of publicly naming and giving honourable prizes to young men who shall have passed brilliant examinations before the Benchers of their Inn.

We trust that the three others Inns of Court will follow the example of the Middle Temple. But we trust at the same time, that neither the Middle Temple nor the other Inns will deem it judicious to confine the lectures so exclusively to general jurisprudence and the civil law. These are proper objects to be included in the education of Barristers; but no good reasons are given by the committee of the Middle Temple, nor do we believe that there is any good reason, why the laws of England—the very laws that counsel are to expound, and with the *principles* of which they ought to be peculiarly conversant—should be excluded from their course of preliminary study.

#### COURT OF COMMON PLEAS.

HILARY TERM.—9 VICTORIA.—Jan. 28.

This court will, on Monday the 23rd February next, hold a sitting, and will proceed to give judgment in certain of the matters standing over for the consideration of the court.

N. C. TINDAL.

#### COURT OF EXCHEQUER.

HILARY TERM.—9 VICTORIA.—Jan. 26.

This court will, on Friday the 6th February next, hold sittings, and will proceed in disposing of the business then pending in the Special Paper and the New Trial Paper, on the said 6th February next, and also on Saturday the 7th February next, and on Monday the 9th February next, and the five following days, and on Monday the 16th February next, and the five following days.

Read in open court,  
Edwd. Bennett.

BY THE COURT.

MASTER IN CHANCERY.—The Lord Chancellor has appointed William Phillips, of Helmsley, in the county of York, Gent., to be a Master Extraordinary in the high Court of Chancery.

MEMBERS RETURNED TO SERVE IN PARLIAMENT.—John Hall, Esq., (by mistake printed "*Robert Hall*" in the Gazette of Friday se'nnight), for the borough of Buckingham, in the room of Sir John Chetwode, Bart., deceased.—John Stuart, Esq., one of her Majesty's counsel learned in the law, for the borough of Newark-upon-Trent, in the room of the Right Hon. William Ewart Gladstone, who has accepted the office of one of her Majesty's principal Secretaries of State.

## Court Papers.

## EQUITY CAUSE LISTS, AFTER HILARY TERM, 9 VICt., 1846.

## Rolls Court.

*Before the Right Hon. the MASTER OF THE ROLLS, at the Rolls.*

Wednesday.. Feb. 11	Motions.
Thursday .....	12 { Unopposed Petitions, and Pleas, Demurrers, Causes, Further Directions, and Exceptions.
Friday .....	13 { Pleas, Demurrers, Causes, Further Directions, and Exceptions.
Saturday .....	14 {
Monday .....	16 {
Tuesday .....	17 { Petitions.—The unopposed first.
Wednesday .....	18 {
Thursday .....	19 { Pleas, Demurrers, Causes, Further Directions, and Exceptions.
Friday .....	20 {
Saturday .....	21 {
Monday .....	23 {
Tuesday .....	24 { Petitions.—The unopposed first.
Wednesday .....	25 { Motions.
Thursday .....	26 {
Friday .....	27 { Pleas, Demurrers, Causes, Further Directions, and Exceptions.
Saturday .....	28 {
Monday... March 2	2 {
Tuesday .....	3 { Petitions.—The unopposed first.
Wednesday .....	4 {
Thursday .....	5 { Pleas, Demurrers, Causes, Further Directions, and Exceptions.
Friday .....	6 {
Saturday .....	7 {
Monday .....	9 {
Tuesday .....	10 { Petitions.—The unopposed first.
Wednesday .....	11 { Motions.
Thursday .....	12 {
Friday .....	13 { Pleas, Demurrers, Causes, Further Directions, and Exceptions.
Saturday .....	14 {
Monday .....	16 {
Tuesday .....	17 { Petitions.—The unopposed first.
Wednesday .....	18 {
Thursday .....	19 { Pleas, Demurrers, Causes, Further Directions, and Exceptions.
Friday .....	20 {
Saturday .....	21 {
Monday .....	23 {
Tuesday .....	24 { Petitions.—The unopposed first.
Wednesday .....	25 { Motions.
Thursday .....	26 { Petitions.

Short Causes and Consent Causes every Tuesday at the Sitting of the Court.

*Notice.*—Petitions must be presented, and copies left with the Secretary, on or before the Saturday preceding the Tuesday on which it is intended they should be heard. Those requiring service must be presented on or before the Friday preceding.

## London Gazette.

TUESDAY, JANUARY 27.

## BANKRUPTS.

**WILLIAM WALTER SANDERSON**, Great Russell-st., St. Paul, Covent-garden, Middlesex, baker, dealer and chapman, Feb. 7 at half-past 12, and March 12 at 2, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Hilleary, 63, Fenchurch-st.—Fiat dated Jan. 24.

**THOMAS TUBBS**, Palace-row, New-road, Middlesex, cow-keeper, milkman, dealer and chapman, Feb. 7 at 12, and March 12 at half-past 1, Court of Bankruptcy, London: Off. Ass. Alsager; Sols. Rickards & Walker, Lincoln's-inn-fields.—Fiat dated Jan. 22.

**CHARLES GIBSON**, South-st., Grosvenor-sq., Middlesex, cheesemonger, grocer, and retailer of beer, Feb. 6 at half-past 2, and March 10 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. George, Villiers-street, Strand.—Fiat dated Jan. 26.

**JOHN CARLILE**, Little Love-lane, Wood-st., London, commission agent, merchant, dealer and chapman, Feb. 3 at 2, and March 3 at 1, Court of Bankruptcy, London: Off. Ass. Groom; Sol. Bagster, 3, Sise-lane, City.—Fiat dated Jan. 22.

**MICHAEL EMANUEL** and **HENRY EMANUEL**, Hanover-square, Middlesex, goldsmiths, silversmiths, dealers and chapmen, Feb. 13 at half-past 12, and March 13 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. J. & C. Cole, 4, Adelphi-terrace, Strand.—Fiat dated Jan. 23.

**ROBERT GODFREY FOX**, Canterbury, wine and spirit merchant, dealer and chapman, Feb. 10 at 2, and March 10 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Murray, New London-st., City.—Fiat dated Jan. 19.

**JOHN BUNN**, Norwich, builder, dealer and chapman, Feb. 5 at 12, and March 10 at 11, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Miller, Norwich; Abbott & Whetley, Rolls-yard.—Fiat dated Jan. 21.

**LAURENCE KENNEDY**, Rochester-terrace, Stoke Newington, Middlesex, pawnbroker, Feb. 6 and March 6 at 11, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Denne, New Broad-st.—Fiat dated Jan. 22.

**THOMAS OAKLEY**, St. Alban's, Hertfordshire, farmer, dealer in oil cake, dealer and chapman, Feb. 13 and March 13 at 11, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. J. T. & H. Baddeley, 12, Leman-st., Goodman's-fields, London.—Fiat dated Jan. 26.

**JOSEPH METFORD** the younger, Southampton, iron-monger, dealer and chapman, Feb. 10 at 12, and March 6 at 1, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Bishop, Lincoln's-inn-fields.—Fiat dated Jan. 13.

**EDGAR BARNES**, Aldborough, Suffolk, wine merchant, dealer and chapman, Feb. 6 at half-past 2, and March 13 at 1, Court of Bankruptcy, London: Off. Ass. Green; Sols. Pain & Hatherly, Basinghall-street, City.—Fiat dated Jan. 24.

**EDWARD CLAYTON**, Edgeware-road, Middlesex, licensed victualler, dealer and chapman, Feb. 6 at 2, and March 13 at 12, Court of Bankruptcy, London: Off. Ass. Follett; Sol. Smith, Barnard's Inn.—Fiat dated Jan. 23.

**JAMES COULSON**, Bridgewater, Somersetshire, provision dealer and grocer, Feb. 6 at 12, and March 10 at 1, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sols. Leman, Bristol; Blower & Co., Lincoln's-inn-fields, London.—Fiat dated Jan. 16.

**JOHN MASSEY**, Etruria, Staffordshire, gas fitter, engineer, dealer and chapman, Feb. 10 and March 10 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sols. Harrison, Birmingham; Chaplin, London.—Fiat dated Jan. 19.

**JAMES MELHUISH**, Exeter, innkeeper, dealer and chapman, Feb. 11 and March 4 at 11, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzell; Sols. J. H. Terrell, Exeter; H. Terrell, Basinghall-street, London.—Fiat dated Jan. 17.

**SAMUEL CULLEN**, Nottingham, chemist and druggist, dealer and chapman, Feb. 9 and March 2 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Wells, Nottingham; James, Birmingham.—Fiat dated Jan. 19.

**JAMES HILL**, Leeds, Yorkshire, share broker, dealer and chapman, Feb. 10 and March 3 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Horsfall & Harrison, Leeds; Hawkins & Co., New Boswell-court, Carey-street, London.—Fiat dated Jan. 23.

## MEETINGS.

*Thos. Howell*, Queen's-head-passage, Newgate-st., London, hotel keeper, Feb. 6 at half-past 1, Court of Bankruptcy, London, last ex.—*John Kelsey*, Manchester, joiner, Feb. 10 at 12, District Court of Bankruptcy, Manchester, last ex.—*John Wright*, Brinscall-hall, within Wheelton, Lancashire, calico printer, Feb. 9 at 12, District Court of Bankruptcy, Manchester, last ex.—*Thos. Findley*, Manchester, plasterer, Feb. 10 at 12, District Court of Bankruptcy, Manchester, last ex.—*Thomas Liddell*, Boldon West Pastures, Durham, corn factor, Feb. 19 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.; at half-past 1, and so.—*Wm. B. Briddick*, Durham, dealer in iron and steel, Feb. 13 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—

**Wm. Bohner**, Osamburgh-st., New-road, Middlesex, marble merchant; Feb. 19 at 11, Court of Bankruptcy, London, and. ac.; at half-past 11, div.—**Fred. Taylor**, Orange-st., Red Lion-square, Middlesex, tallow chandler, Feb. 18 at 11, Court of Bankruptcy, London, and. ac.—**Wm. Gibb**, Liverpool, soap manufacturer, Feb. 17 at 11, District Court of Bankruptcy, Liverpool, and. ac.—**Jas. Reynolds**, Fazakerley, near Liverpool, cowkeeper, Feb. 17 at 11, District Court of Bankruptcy, Liverpool, and. ac.—**James Chaloner**, Chester, currier, Feb. 17 at 11, District Court of Bankruptcy, Liverpool, and. ac.; Feb. 20 at 11, div.—**T. Gundry** and **John Gundry**, Goldsmithney, Cornwall, merchants, Feb. 17 at 11, District Court of Bankruptcy, Exeter, and. ac. joint est.; Feb. 18 at 11, and. ac.; Feb. 24 at 11, div. sep. est.—**D. Farry**, Ruthin, Denbighshire, currier, Feb. 17 at 12, District Court of Bankruptcy, Liverpool, div.—**Wm. Ockleston**, Liverpool, hide merchant, Feb. 17 at 12, District Court of Bankruptcy, Liverpool, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on the Day of Meeting.*

**Robert Worley**, Newgate-st., London, provision merchant, Feb. 19 at 11, Court of Bankruptcy, London.—**Hugh Cunningham**, Strand, Middlesex, bookseller, Feb. 20 at 11, Court of Bankruptcy, London.—**Hen. Geo. Gibson**, Newcastle-upon-Tyne, chemist, Feb. 19 at half-past 1, District Court of Bankruptcy, Newcastle-upon-Tyne.—**J. Brooks**, Glastonbury, Somersetshire, carrier, Feb. 26 at 11, District Court of Bankruptcy, Bristol.—**Wm. Ibbotson**, Sheffield, Yorkshire, merchant, Feb. 24 at 11, District Court of Bankruptcy, Leeds.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Feb. 17.*

**James Chase Powell**, Chiswell-street, Finsbury, Middlesex, apothecary.—**Michael Lee** and **Barnett Lee**, Duke-street, Finsbury, Middlesex, tailors.

#### PARTNERSHIP DISSOLVED.

**John Cox**, **Charles Reynolds Williams**, and **Edward Luton Cox**, Lincoln's Inn-fields, Middlesex, attornies, solicitors, and conveyancers.

#### SCOTCH SEQUESTRATIONS.

**Mrs. Mary Macnair**, Glasgow, fisher.—**Messrs. Paul and Hunter**, Glasgow, manufacturers.—**Robert Russell**, Glasgow, brickmaker.—**David Carter**, Aberdeen, machine maker.—**Bedstein and Company**, Glasgow, calico printers.

#### DECLARATION OF INSOLVENCY.

**Charles Lister**, Haymarket, Middlesex, in no business.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

**Major Corbym**, Oxford-street, Middlesex, lieutenant in her Majesty's Navy, on half-pay, Feb. 11 at 12, Court of Bankruptcy, London.—**Wm. Brown**, Greenville-st., Somers'-town, St. Pancras, Middlesex, portrait painter, Feb. 11 at 12, Court of Bankruptcy, London.—**Geo. Henry Howell**, University-st., Tottenham-court-road, Middlesex, out of business, Feb. 11 at 12, Court of Bankruptcy, London.—**Thos. Whiddon**, Attentham-st., St. Pancras, Middlesex, plasterer, Feb. 2 at 11, Court of Bankruptcy, London.—**T. C. Herbert**, Johnson-st., Bencroft-place, Mile-end, Middlesex, Custom-house clerk, Feb. 2 at 11, Court of Bankruptcy, London.—**Henry Woodman**, Horton-hall, near Ivinghoe, Buckinghamshire, out of business, Jan. 31 at 11, Court of Bankruptcy, London.—**J. Murraet**, Eastmeon, Southampton, dealer in wood, Jan. 30 at 1, Court of Bankruptcy, London.—**Wm. Wellstead**, Great Barlow-st., Mary-le-bone, milkman, Jan. 31 at 11, Court of Bankruptcy, London.—**Wm. Carver Wheatley**, Solihull, Warwickshire, engineer, Jan. 31 at half-past 10, District Court of Bankruptcy, Birmingham.—**Thomas Fred. Beales**, Salford, Lancashire, agent to drysalers, Feb. 7 at 12, District Court of Bankruptcy, Manchester.—**Thos. Sawtell**, Walcot, Bath, Somersetshire, poulterer, Feb. 17 at half-past 11, District Court of Bankruptcy, Bristol.—**Jos. Tinsley**, Liverpool, bookseller, Feb. 6 at 11, District Court of Bankruptcy, Liverpool.—**Wm. Ettles**, Liverpool, master mariner, Feb. 3 at 11, District Court of Bankruptcy, Liverpool.—**W. Thornborough**, Liverpool, butcher, Feb. 10 at 11, District Court of Bank-

ruptcy, Liverpool.—**Margaret Gittins**, Brankwell, Shropshire, innkeeper, Feb. 26 at half-past 10, District Court of Bankruptcy, Birmingham.—**J. Garner**, Leicester, hosier, Feb. 2 at half-past 11, District Court of Bankruptcy, Birmingham.—**Gilpin Webster**, Pudsey, Yorkshire, clothier, Feb. 3 at 11, District Court of Bankruptcy, Leeds.—**Wm. Howe**, Market Weighton, Yorkshire, innkeeper, Feb. 10 at 11, District Court of Bankruptcy, Leeds.—**Andrew Fiddis**, Stainboro', Yorkshire, manager to coal and iron works, Feb. 17 at 11, District Court of Bankruptcy, Leeds.—**John Lees**, Edgbaston, Warwickshire, architect, Feb. 5 at 11, District Court of Bankruptcy, Birmingham.—**Robert Norton**, Bishop's Castle, Shropshire, out of business, Feb. 7 at half-past 10, District Court of Bankruptcy, Birmingham.—**Geo. Taylor**, Meltham, farmer, Feb. 4 at 11, District Court of Bankruptcy, Leeds.—**Joseph Walker**, Old Radford, Nottinghamshire, baker and flour seller, Feb. 4 at 11, District Court of Bankruptcy, Leeds.—**John Parker** the younger, Windhill, near Bradford, Yorkshire, clothier, Feb. 4 at 11, District Court of Bankruptcy, Leeds.—**James Sissons**, Leeds, grocer, Feb. 4 at 11, District Court of Bankruptcy, Leeds.—**Daniel Coldwell**, Bridghouses, Brightside Bierlow, Sheffield, Yorkshire, scissor forger, Feb. 4 at 11, District Court of Bankruptcy, Leeds.—**H. A. Amatt**, Leicester, biscuit baker, Feb. 7 at 1, District Court of Bankruptcy, Birmingham.—**Wm. Carr Armstrong**, Blaydon-bank, Blaydon, Durham, stone mason, Feb. 13 at 2, District Court of Bankruptcy, Newcastle-upon-Tyne.—**James Galdon**, Gateshead, Durham, publican, Feb. 12 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne.

*Saturday, Jan. 24.*

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

**Robert Drew Webb**, Haslemere, Surrey, gentleman, No. 57,592 T.; **Henry Marshall**, assignee.—**Thos. Rich. Abbott**, Brunswick-street, Blackwall, barman to a licensed victualler: No. 57,657 T.; **D. J. Kinghorn**, assignee.—**Wm. G. Sewell**, White Hart-street, Drury-lane, Middlesex, licensed victualler, No. 57,775 T.; **George Beech**, assignee.—**Thomas Fuller**, Church-row, Newington, Surrey, currier, No. 57,872 T.; **J. George**, assignee.—**Thomas Hind**, Market Harborough, Leicestershire, hide factor, No. 66,877 C.; **Edward Fisher** and **Robert Attenborough**, assignees.

*Saturday, Jan. 24.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

**Thomas Wescott**, Market-street, Borough-road, Southwark, Surrey, paper manufacturer: in the Gaol of Surrey.—**Robert Woodhouse**, North-street, Fitzroy-square, Middlesex, not in any business: in the Debtors Prison for London and Middlesex.—**Geo. Free Shepherd**, Lower Rosomon-street, Clerkenwell, Middlesex, pearl worker: in the Debtors Prison for London and Middlesex.—**John Bennett**, Cuthbert-street, Hallpark, Paddington, Middlesex, potman: in the Debtors Prison for London and Middlesex.—**H. C. Morty**, Waterloo-street, Haggerstone, Shoreditch, Middlesex, dealer in china: in the Debtors Prison for London and Middlesex.—**Richard Rowe**, Vauxhall-place, South Lambeth, Surrey, carpenter: in the Gaol of Surrey.—**Robert Coll**, Essex-street, Old Bethnal-green-road, Middlesex, baker: in the Debtors Prison for London and Middlesex.—**Isaac Moss**, High-street, Whitechapel, Middlesex, stay maker: in the Debtors Prison for London and Middlesex.—**James Reddish**, Kingston-upon-Hull, pie-man: in the Gaol of Kingston.—**Wm. Curtis**, New Windsor, Berkshire, baker: in the Gaol of Reading.—**R. Thovey**, Reading, Berkshire, tailor: in the Gaol of Reading.—**John Love**, Bray, near Maidenhead, Berkshire, gamekeeper: in the Gaol of Reading.—**Philip Solomon**, Newcastle-upon-Tyne, out of business: in the Gaol of Newcastle.—**Richard Robinson**, Beeston, Nottinghamshire, corn merchant: in the Gaol of Nottingham.—**Sarah Hill**, Chipping Barnett, Hertfordshire, licensed victualler: in the Gaol of Herts.—**James Viney**, Barton, near Silsoe, Bedfordshire, gentleman: in the Gaol of Bedford.—**W. W. Sherratt**, Grandpont, near Oxford, Berkshire, tailor: in Oxford Castle.

*The following Prisoners are ordered to be brought before the Court, in Portugal-st., on Tuesday, Feb. 10, at 9.*

**Daniel Clark**, Brett's-buildings, Camberwell-road, Surrey,

house decorator.—*Thos. H. Giles*, Bow, Middlesex, omnibus driver.—*Rich. T. Bendrey*, Brick-lane, Spitalfields, Middlesex, out of business.—*Theresa Martin Montgomery*, Old Cavendish-street, Cavendish-square, Middlesex, widow, out of business.—*Philip Dorn*, Charles-street, Westbourne-terrace, Baywater, Middlesex, baker.

Feb. 11, at the same hour and place.

*Wm. Hore*, Saltash, Cornwall, out of business.—*James Wilson*, Bury-street, Chelsea, Middlesex, furniture broker.—*Henry Beck*, Cockspur-street, Charing-cross, Middlesex, linen draper's shopman.—*S. E. C. Hackett*, Orange-street, Red Lion-square, Middlesex, baker.

Court-house, SHEFFIELD, Yorkshire, Feb. 11 at 10.

*Elizabeth Cocker*, Sheffield, widow.

Court-house, WAKEFIELD, Yorkshire, Feb. 12 at 10.

*John Copley*, Bradford, letter-press printer.—*Joseph Suter*, Leeds, engine driver.—*Isaac Barnes*, Pudsey, Calverley, near Leeds, slubber.—*Matthew Noble*, Bramham, near Weatherby, labourer.—*Joseph Jackson*, Doncaster, labourer.—*Thos. D. Coates*, Leeds, selling stays by commission.—*Jonathan Barrowclough*, Cumberworth Half, near Huddersfield, clothier.—*John Baldwin*, Yeadon, near Leeds, out of business.—*Jabez Oldroyd*, Heckmondwike, near Leeds, stone-mason.—*Richard Agar*, Branton-green, near Boroughbridge, out of business.—*Joseph Hobson* the younger, Bowling, near Bradford, dealer in worsted yarn.—*John Hodgson*, Sandbogs, Clayton, near Bradford, furniture painter.—*Wm. Pickering*, Brotherton, near Pontefract, waterman.—*Richard Brook*, Bradley, near Huddersfield, stone mason.—*George Brook*, Kirkheaton, near Huddersfield, stone mason.—*George Hardy*, Mirfield, near Dewsbury, stone mason.

## FRIDAY, JANUARY 30.

### BANKRUPTS.

**THOMAS ELLIS**, Great St. Helen's, London, wine and bottle merchant, dealer and chapman, Feb. 10 at half-past 12, and March 13 at 12, Court of Bankruptcy, London: Off. Ass. Belcher; Sol. Stirling, Sackville-street, Piccadilly.—Fiat dated Jan. 20.

**ALFRED OAKLEY**, Southampton, seedsman, dealer and chapman, Feb. 10 at 12, and March 17 at half-past 11, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Hill & Matthews, Bury-court, St. Mary-axe.—Fiat dated Jan. 29.

**WILLIAM CURTIS**, Croydon, Surrey, builder, bricklayer, and plasterer, dealer and chapman, Feb. 10 at 12, and March 17 at 11, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Phillips & Son, Laurence Pountney-lane.—Fiat dated Jan. 22.

**FREDERICK JOHN ABLETT** (otherwise Frederick Ablett) and **WILLIAM HENRY ABLETT** (otherwise William Ablett), High Holborn, Middlesex, drapers, dealers and chapmen), (trading under the firm of F. and W. Ablett), Feb. 10 at 11, and March 6 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Hensman, Basing-lane.—Fiat dated Jan. 21.

**JOSEPH NAIL**, John-street, Tottenham-court-road, Middlesex, builder, dealer and chapman, Feb. 11 at half-past 2, and March 11 at 2, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Thrupp, Winchester-buildings, Broad-street.—Fiat dated Jan. 29.

**BENJAMIN THOMPSON**, Aldeburgh, Suffolk, innkeeper, Feb. 7 at 2, and March 13 at 2, Court of Bankruptcy, London: Off. Ass. Follett; Sols. Palmer, Norwich; Wright & Co., Golden-square.—Fiat dated Jan. 17.

**SYDNEY PILLING** and **ROBERT GREEN WATSON**, Durham, wine and spirit merchants, hop merchants, and maltsters, Feb. 13 and March 17 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Wakley; Sols. Harle, Newcastle-upon-Tyne; Chisholme & Co., 64, Lincoln's-inn-fields.—Fiat dated Jan. 27.

**WILLIAM FORDYCE**, Newcastle-upon-Tyne, bookseller, printer, and share broker, Feb. 5 and March 24 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Wakley; Sols. Cram, Newcastle-upon-Tyne; Plumtre, Temple, London.—Fiat dated Jan. 24.

**GEORGE WATSON**, Gateshead, Durham, bookseller, dealer and chapman, Feb. 5 and March 24 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Cram, Newcastle-upon-Tyne; Plumtre, Temple, London.—Fiat dated Jan. 23.

**AARON SHIPTON**, Pitchcombe, Gloucestershire, clothier, Feb. 9 at 12, and May 16 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sol. Paris, Stroud, Gloucestershire.—Fiat dated Jan. 28.

**ROBERT PENHEY** the younger, Stonehouse, Devonshire, grocer, dealer and chapman, Feb. 10 and March 11 at 11, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. Lavers, jun., Plymouth; Drake, Exeter; Pontifex & Co., Andrew's-court, Holborn, London.—Fiat dated Jan. 21.

**JOHN BROWN**, Liverpool, joiner and cabinet maker, dealer and chapman, Feb. 13 and March 6 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Owen & Co., Liverpool; Nethersole, New Inn, London.—Fiat dated Jan. 27.

**JOHN PETER JAMES**, Truro, and Chasewater, Cornwall, draper, dealer and chapman, Feb. 10 and March 11 at 11, District Court of Bankruptcy, Exeter: Off. Ass. Hernaman; Sols. Stogdon, Exeter; Soles & Turner, Alderman-bury.—Fiat dated Jan. 9.

### MEETINGS.

*Robt. Tate*, Regent-st., Middlesex, silversmith, Feb. 13 at 11, Court of Bankruptcy, London, last ex.—*Wm. Burleigh*, Haverhill, Suffolk, scrivener, Feb. 12 at 12, Court of Bankruptcy, London, last ex.—*Chas. Draper*, Bishopgate-street-without, London, licensed victualler, Feb. 20 at 2, Court of Bankruptcy, London, and ac.—*Wm. A. Darby*, Charles-st., Westbourne-terrace, Paddington, Middlesex, builder, Feb. 24 at 12, Court of Bankruptcy, London, and ac.—*Jas. Challen*, Odiam, Southampton, brewer, Feb. 24 at 11, Court of Bankruptcy, London, and ac.—*Michael Jones*, Theobald's-road, Middlesex, grocer, Feb. 20 at 12, Court of Bankruptcy, London, and ac.—*John Brain*, Winchester-st., Pentonville, Middlesex, engraver, Feb. 20 at half-past 11, Court of Bankruptcy, London, and ac.—*Fred. Taylor*, Orange-street, Red Lion-square, Middlesex, wax and tallow chandler, Feb. 18 at 11, Court of Bankruptcy, London, and ac.—*Chris. Rysner*, Blackburn, Lancashire, grocer, Feb. 19 at 12, District Court of Bankruptcy, Manchester, and ac.; Feb. 20 at 12, div.—*Thos. Bate*, *Wm. Smith Bate*, and *James Hellings*, Rugeley, Staffordshire, brewers, Feb. 20 at 11, District Court of Bankruptcy, Birmingham, and ac.—*Benj. Baldwin*, Liverpool and Manchester, and Old Jewry, London, warehouseman, Feb. 21 at 11, Court of Bankruptcy, London, div.—*Rich. Stockley*, Ramsgate, Kent, upholsterer, Feb. 20 at 1, Court of Bankruptcy, London, div.—*Arthur Lett*, Commercial-road, Lambeth, Surrey, timber merchant, Feb. 29 at 11, Court of Bankruptcy, London, div.—*Wm. Cheesman*, *John Hodson*, and *Wm. Oliver Cheesman*, Brighton, Sussex, chinamen, Feb. 20 at half-past 1, Court of Bankruptcy, London, fin. div.—*Wm. I. Newman*, Norton, Gloucestershire, horse dealer, Feb. 23 at 11, District Court of Bankruptcy, Bristol, div.

### CERTIFICATES.

To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.

*Thos. Miller*, Mansell-street, Goodman's-fields, Middlesex, oil and colourman, Feb. 21 at 12, Court of Bankruptcy, London.—*Geo. H. Bush*, Edgeware-road, Middlesex, upholsterer, Feb. 21 at 12, Court of Bankruptcy, London.—*Thos. Rainett*, Cambridge, tailor, Feb. 21 at 2, Court of Bankruptcy, London.—*Wm. Gill*, Leadenhall-market, London, poultryer, Feb. 24 at 11, Court of Bankruptcy, London.—*Wm. Brooke*, Snow-hill, London, ale-house keeper, Feb. 24 at 11, Court of Bankruptcy, London.—*Hen. Malpas*, Bath, victualler, Feb. 27 at 12, District Court of Bankruptcy, Bristol.—*Jos. Rothchild*, Broadmead, Stames, Bristol, watch maker, Feb. 26 at 11, District Court of Bankruptcy, Bristol.—*James Reynolds*, Fazakerley, Lancashire, cowkeeper, Feb. 24 at 12, District Court of Bankruptcy, Liverpool.—*John Herdman* and *Edw. Herdman* the younger, Congleton, Cheshire, millers, Feb. 24 at 11, District Court of Bankruptcy, Liverpool.—*William Lendon* the elder and *Wm. Lendon* the younger, Exeter, curriers, Feb. 24 at 11, District Court of Bankruptcy, Exeter.—*Clarendon Hyde*, Loughborough, Leicestershire, apothecary.

Feb. 21 at 11, District Court of Bankruptcy, Birmingham.—*Wm. Ellery*, Kidderminster, Worcestershire, iron founder, Feb. 24 at 11, District Court of Bankruptcy, Birmingham.—*Geo. Smith*, Manchester, bill broker, Feb. 23 at 12, District Court of Bankruptcy, Manchester.

To be allowed by the Court of Review in Bankruptcy, unless Case be shown to the contrary on or before Feb. 20.

*Hugh Jones Owen*, Madeley, Shropshire, surgeon.—*Wm. Mat. Hansard*, Park-road, Holloway, Middlesex, florist.—*Geo. Chennell*, Capel, Surrey, carpenter.—*Thomas Arnold*, Shrewsbury, veterinary surgeon.—*Thos. Biggs*, Bath, woollen draper.—*Sam. Manning*, Oxford-st., Middlesex, stone mason.—*Dav. Froeschlen* and *Simon Price*, Dover-street, Piccadilly, Middlesex, tailors.—*Evan Meredith*, Liverpool, linen draper.—*Edw. Wm. Wyon*, Gower-street, Bedford-sq., Middlesex, bronze manufacturer.—*John Lilly*, Brinepitts, Dodderhill, and Forest, Hanbury, Worcestershire, farmer.

#### PARTNERSHIPS DISSOLVED.

*John Owens* and *N. W. Greene*, Newtown, Montgomeryshire, attorneys at law and solicitors.—*Thos. G. Philpotts* and *John Philpotts*, Newport, Monmouthshire, solicitors.

#### SCOTCH SEQUESTRATIONS.

*John Morrison*, Perth, painter.—*James Badenoch*, jun., Aberdeen, merchant tailor.—*F. Bass* and *H. R. Bass*, Glasgow, merchants.

#### INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

*T. D. Graham*, Woolwich, Kent, carman, Feb. 12 at 1, Court of Bankruptcy, London.—*Chas. Cochrane*, Lamb-st., Spitalfields, Middlesex, corn dealer, Feb. 12 at 1, Court of Bankruptcy, London.—*Jacob Munsey*, Bedford, shoemaker, Feb. 12 at 11, Court of Bankruptcy, London.—*William Reeks*, Northam, Southampton, builder, Feb. 12 at 11, Court of Bankruptcy, London.—*David Perryman*, South street, Lambeth, Surrey, artificial flower maker, Feb. 12 at 11, Court of Bankruptcy, London.—*William Miers*, Haymarket, Westminster, Middlesex, frame maker, Feb. 12 at 11, Court of Bankruptcy, London.—*Alfred Smith*, Bungay, Suffolk, tailor, Feb. 12 at 12, Court of Bankruptcy, London.—*John Walden*, Wokingham, Berkshire, grocer, Feb. 12 at 12, Court of Bankruptcy, London.—*Ernest Chas. Jones*, Downshire-hill, Hampstead, Middlesex, barrister at law, Feb. 12 at half-past 11, Court of Bankruptcy, London.—*Peter Green*, Hanscomb-place, James-st., Lower Union-road, Clapham, Surrey, clerk in her Majesty's Customs, London, Feb. 12 at 11, Court of Bankruptcy, London.—*Chas. Newell*, Reading, Berkshire, fishmonger, Feb. 12 at half-past 11, Court of Bankruptcy, London.—*John Shipman* the younger, Somerset-st., Aldgate, London, shoemaker, Feb. 12 at half-past 11, Court of Bankruptcy, London.—*Fred. Tatham*, Winchester, portrait painter, Feb. 12 at half-past 11, Court of Bankruptcy, London.—*Sam. Hen. Ray*, Alton-cottages, Leipsic-road, Camberwell, Surrey, clerk in her Majesty's Customs, Feb. 12 at 11, Court of Bankruptcy, London.—*R. Cordwain*, Broad-st., Golden-square, Middlesex, Feb. 6 at 12, Court of Bankruptcy, London.—*Hen. Jeffries*, Brighton, Sussex, carver, Feb. 12 at 1, Court of Bankruptcy, London.—*C. Grant Anderson*, Upper Stamford-st., Blackfriars, gentleman, Feb. 12 at 1, Court of Bankruptcy, London.—*Thos. Harris*, Ragland, Monmouthshire, shoemaker, Feb. 26 at 12, District Court of Bankruptcy, Bristol.—*Wm. Twose*, Halberton, Devonshire, machine maker, Feb. 11 at 11, District Court of Bankruptcy, Exeter.—*Charles Marsh*, Liverpool, artist, Feb. 10 at 12, District Court of Bankruptcy, Liverpool.—*Geo. White*, Radford, Nottinghamshire, lace maker, Feb. 3 at 11, District Court of Bankruptcy, Leeds.—*Wm. Parsons*, Birkenhead, Cheshire, retail butcher, Feb. 10 at 12, District Court of Bankruptcy, Liverpool.

Wednesday, Jan. 28.

Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—

(On their own Petitions).

*Thomas Freeman*, Union-place, Lower-road, Islington, Middlesex, carpenter, in the Debtors Prison for London and Middlesex.—*Geo. Gray*, Henry-st., Hampstead-road, Middlesex, furniture broker: in the Debtors Prison for London and

Middlesex.—*Joe. Hammond Saunders*, Green-street, Stepney, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Chas. Broady Mingay Syder*, Upper Stamford-st., Waterloo-road, Surrey, doctor of medicine: in the Queen's Prison.—*Augustine Attwood Harrison*, Saint Mark's-road, Camberwell New-road, Surrey, carpenter: in the Gaol of Horsemonger-lane.—*John Taylor*, Kingston-upon-Thames, Surrey, hatter: in the Debtors Prison for London and Middlesex.—*Thos. Cook Kitchen*, City-garden-row, City-road, Middlesex, dealer in books: in the Debtors Prison for London and Middlesex.—*Geo. Saunders*, Hanworth, Middlesex, carpenter: in the Debtors' Prison for London and Middlesex.—*Chas. Hen. Papps*, Barford-st., Liverpool-road, Islington, Middlesex, clerk to a coal merchant: in the Debtors Prison for London and Middlesex.—*Fred. Imlay*, Clayland-road, Kennington, Surrey, tailor: in the Queen's Prison.—*H. Jones*, Whittlesey, Isle of Ely, labourer: in the Gaol of Cambridgeshire.—*Rob. Henderson McGeorge*, Barnard Castle, Durham, tea dealer: in the Gaol of Durham.—*James Smith*, Blackburn, Lancashire, painter: in the Gaol of Lancaster.—*Wm. Horsley*, Sobam, Cambridgeshire, carpenter: in the Gaol of Cambridge.—*Jas. Sutcliffe*, Huddersfield, Yorkshire, painter: in York Castle.—*Rich. Marsh* the younger, Dover, Kent, not in any business: in Dover Castle.—*William Read*, York, out of business: in York Castle.—*R. Ellison*, Huddersfield, Yorkshire, labourer: in York Castle.—*J. Sewell*, Paddock, near Huddersfield, Yorkshire, painter: in York Castle.—*Joshua Last*, Colchester, Essex, cattle dealer: in the Gaol of Chelmsford.—*Sarah Platt*, Kelsall, Cheshire, widow: in Chester Castle.—*R. W. Ainsworth*, Headon, Yorkshire, schoolmaster: in York Castle.

The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Friday, Feb. 13, at 9.

*D. B. Morganie*, Thornhill-place, Chalk-road, Pentonville, Middlesex, clerk in the Post-office.—*Wm. T. Rackett*, Bell-yard, Temple-bar, London, smith.—*Wm. Atkinson*, Blackheath-hill, Greenwich, Kent, warehouseman.

Adjourned.

*George Carter*, Portobello-terrace, Notting-hill, Kensington, Middlesex, licensed retailer of beer.

Court-house, KINGSTON-UPON-HULL, Feb. 16 at 10.

*J. Roberts*, Kingston-upon-Hull, boarding-house keeper.—*James Reddish*, Kingston-upon-Hull, pieman.—*J. Caswell*, Kingston-upon-Hull, coal dealer.

MEETING.

*James Cross*, Hulme, Manchester, provision shopkeeper, Feb. 14 at 11, at Oliver's, Manchester, sp. affairs.

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LONDON, FEBRUARY 7, 1846.

OUR readers will have noticed, in THE JURIST of last week, the important case of *Young v. Smith*, (ante, p. 52), deciding that the prohibition contained in the 26th section of the 7 & 8 Vict. c. 110, (The Joint-stock Companies Act), does not apply to companies for executing public works which cannot be carried into execution without obtaining the authority of Parliament, and, consequently, that the sale of railway scrip, after provisional, but before complete, registration of the railway company, is not made illegal by the statute. Our readers will probably recollect that this is the construction of the statute which was contended for in this Work, (9 Jurist, 418); and it is with satisfaction that we perceive, that, to a considerable extent, the arguments to which recourse was had in the paper referred to coincide with those that occurred to the court in *Young v. Smith*. It is not our present purpose to re-argue any of the points involved in the construction of this statute with reference to the sale of railway scrip, though we may, perhaps, in a future Number resume the subject, particularly as it is understood that the decision in *Young v. Smith* will not be acquiesced in. We shall at present content ourselves with a few observations, suggested by what fell from the court in *Young v. Smith*, directly or impliedly, upon the general character of our modern acts of Parliament. There is one observation in particular made by one of the learned judges, the perfect correctness of which we believe none, not even those who, it is said, intend to carry the case of *Young v. Smith* further, will be found to dispute; and that is, the observation which fell from Mr. Baron Alderson with regard to that curse of modern acts of Parliament, the interpretation clause. "If," said his Lordship, "it were not the practice to insert interpretation clauses, the framers of statutes would be obliged to express their meaning in in-

telligible words." As it is, the interpretation clause is to the modern legislator, what the margin for contingencies is to the modern railway engineer. Whenever it is very difficult, or even a little troublesome, to state a clause of an act of Parliament with accuracy, the difficulty is not manfully grappled with, but thrown forward or backward, as the case may be, to the interpretation clause. To that clause we are to look to see whether the Legislature, in speaking of *one*, intends *many*, or, speaking of *land*, means some interest in land which is not land, or, speaking of *any* company, means anything but any company, and means, on the contrary, to exclude from the definition or description a great many companies. In truth, an interpretation clause is, in nine cases out of ten, not in any sense a clause interpreting the act,—but no more than a declaration to the effect, that, whereas the act is so worded, to avoid the trouble of wording it better, that in a great many supposable cases it would, if construed according to its actual words, be quite nonsense, the courts shall not be bound to read the words as they are written, but shall make sense of them, *if they can*. It is bad enough for the public to suffer from the unavoidable doubts that must arise upon the law, where the law is the result of, or rather is expressed by, a series of decisions upon the application of one or more principles, the reason for which is either lost in the obscurity of antiquity, or is only to be found in rules of property, originally framed when property was held under tenures, and was subservient, in the general opinion of mankind, to purposes of public policy, very different from those which prevail at this day. It is, we say, bad enough for the public, under such circumstances, to suffer from doubts and difficulties, which no intellects, bound by existing law, can entirely solve or remove; but it is beyond all endurance, that, when the Legislature is dealing with purely modern subjects,—with purely

modern ideas and rules,—when it has, in truth, no difficulty before it, but that of saying what specific new regulations shall affect rights of property so modern, that their very birth is remembered even by young men, and of defining or describing what particular classes of such new interests they intend to deal with; it is, we say, beyond all endurance, when such only are the difficulties with which the Legislature has to deal,—difficulties which, to be overcome, do not require the destruction of any rules of property, nor the reconciling of any opposite reasonings, but merely the expression in the English tongue of the meaning of the framers of a statute,—that acts should issue from the great officina legum, on which even eminent judges are obliged first to doubt, and only to be convinced by the arguments of counsel, (see Mr. B. Platt's observations in *Young v. Smith*), or with which they feel themselves obliged to deal so tenderly, as almost to excuse themselves for venturing to put a definite construction upon them.

Observe the almost timid tone of the eminent Chief Judge of the court that decided *Young v. Smith*, and the sort of solicitude with which he seems to seek for some half-constitutional maxim that will justify him in understanding the 7 & 8 Vict. c. 110. "I think," said his Lordship, speaking of the 2nd and 26th sections of the act, "that, if the meaning of the Legislature were doubtful, we could not, comparing these two sections together, and pronouncing judgment as to the legal effect of the language used in them, hold, that parties making such a contract as that now before us were liable to the penalties inflicted by the 26th section. But it is very satisfactory, I think, to be able to discover in this act of Parliament, other sections which shew that this is the meaning which, *probably*, was intended by

the Legislature; because, I must say, that I think we are bound, as much as we can, to give effect to what is discovered to be the intention of the Legislature; and, *instead of giving effect to doubts where the language may be obscure, or not perfectly plain*, I think we are bound, wherever we see the meaning and intention of the Legislature, to put such a construction on the language used as may give effect to the intention, if that intention be sufficiently plain."

The maxim that his Lordship lays down, touching the spirit in which statutes should be looked at, is, if we may venture to offer our humble tribute to its merit, as sound in policy as it is true in law. But the very necessity of giving it utterance, in reference to a most modern statute on a most modern subject-matter, and that in a form which seems to shew, that, unless the court threw round it the protection of such a maxim, the unfortunate statute would be unmanageable, is a necessity that ought not to exist, and of which the commercial and legal public have deep reason to complain.

### COURT OF QUEEN'S BENCH.

Jan. 28.—The court delivered judgment in the following cases:—

The Mayor, &c. of Colchester v. Brook—Rule discharged.

Meyer v. Ward—Rule refused.

Topham v. Price—Rule nisi: not to go into the New Trial Paper.

Elwell v. The Birmingham Canal Company—Judgment for defendants.

### EXCHEQUER CHAMBER.

(Error from the Queen's Bench).

Feb. 3.—The court delivered judgment in

Barry v. Arnaud—Judgment reversed.

### CIRCUITS OF THE JUDGES.

(Mr. Justice CRESSWELL will remain in Town).

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Thursday ... 19	.....	.....	.....	.....	Appleby	.....	.....	.....
Saturday ... 21	.....	.....	.....	.....	Carlisle	.....	.....	.....
Wednesday... 25	.....	.....	.....	.....	Newcastle &	.....	.....	.....
Thursday ... 26	.....	.....	.....	.....	[Town]	.....	Swansea	.....
Friday... 27	Hertford	.....	.....	.....	.....	.....	.....	.....
Saturday ... 28	.....	.....	Reading	.....	.....	.....	.....	Winchester
Monday, Mar. 2	.....	Northamp-	.....	.....	Durham	.....	.....	.....
Tuesday ... 3	Chelmsford	[ton]	.....	Aylesbury	.....	.....	.....	.....
Thursday ... 5	.....	.....	Oxford	.....	.....	.....	Haverford-	.....
Friday ... 6	.....	Oakham	.....	.....	.....	.....	[west & Tn.]	.....
Saturday ... 7	.....	Lincoln and	.....	Bedford	York & City	Welchpool	.....	Salisbury
Monday ... 9	Maidstone	[City]	.....	.....	.....	.....	.....	.....
Tuesday ... 10	.....	.....	Worcester &	.....	.....	.....	.....	.....
Wednesday.. 11	.....	.....	[City]	Huntingdon	.....	.....	Cardigan	.....
Thursday ... 12	.....	Nottingham	.....	.....	.....	Bala	.....	.....
Friday ... 13	.....	[& Town]	.....	Cambridge	.....	.....	.....	Dorchester
Saturday ... 14	.....	.....	.....	.....	.....	Carnarvon	.....	.....
Monday ... 16	Lewes	Derby	.....	.....	.....	.....	Carmarthen	.....
Tuesday ... 17	.....	.....	Stafford	.....	.....	.....	.....	.....
Wednesday.. 18	.....	.....	.....	Bury St. Ed.	.....	Beaumaris	.....	Exeter & City
Friday ... 20	.....	Leicest. & B.	.....	.....	.....	.....	.....	.....
Saturday ... 21	.....	.....	.....	.....	Liverpool	Ruthin	Brecon	.....
Monday ... 23	Kingston	.....	.....	.....	.....	.....	.....	.....
Tuesday ... 24	.....	Coventry	.....	Norwich and	.....	.....	.....	.....
Wednesday.. 25	.....	Warwick	Shrewsbury	[City]	.....	Mold	Presteign	Bodmin
Saturday ... 28	.....	.....	.....	.....	.....	Chester	Chester	.....
Monday ... 30	.....	.....	Hereford	.....	.....	.....	.....	.....
Tuesday ... 31	.....	.....	.....	.....	.....	.....	.....	Taunton
Wedn... April 1	.....	.....	Monmouth	.....	.....	.....	.....	.....
Saturday ... 4	.....	.....	Glo'ster & C.	.....	.....	.....	.....	.....

**Court Papers.****EQUITY SITTINGS AFTER HILARY TERM,  
9 VIC., 1846.****Court of Chancery.***Before the LORD CHANCELLOR, at Lincoln's Inn.*

Wednesday.. Feb.	11	First Seal.—Appeal Motions.
Thursday .....	12	Appeals.
Friday .....	13	(Petition-day).—Unopposed Petitions and Appeals.
Saturday .....	14	} Appeals.
Monday .....	16	
Tuesday .....	17	
Wednesday .....	18	
Thursday .....	19	(Petition-day).—Unopposed Petitions and Appeals.
Friday .....	20	
Saturday .....	21	} Appeals.
Monday .....	23	
Tuesday .....	24	Second Seal.—Appeal Motions.
Wednesday .....	25	
Thursday .....	26	Appeals.
Friday .....	27	(Petition-day).—Unopposed Petitions and Appeals.
Saturday .....	28	} Appeals.
Monday... March	2	
Tuesday .....	3	
Wednesday .....	4	
Thursday .....	5	(Petition-day).—Unopposed Petitions and Appeals.
Friday .....	6	
Saturday .....	7	} Appeals.
Monday .....	9	
Tuesday .....	10	Third Seal.—Appeal Motions.
Wednesday .....	11	
Thursday .....	12	Appeals.
Friday .....	13	(Petition-day).—Unopposed Petitions and Appeals.
Saturday .....	14	} Appeals.
Monday .....	16	
Tuesday .....	17	
Wednesday .....	18	
Thursday .....	19	(Petition-day).—Unopposed Petitions and Appeals.
Friday .....	20	
Saturday .....	21	} Appeals.
Monday .....	23	
Tuesday .....	24	Fourth Seal.—Appeal Motions.
Wednesday .....	25	
Thursday .....	26	General Petition-day.

Such days as his Lordship is occupied in the House of Lords excepted.

**Vice-Chancellors' Courts.***Before the VICE-CHANCELLOR OF ENGLAND, at  
Lincoln's Inn.*

Wednesday.. Feb.	11	First Seal.—Motions.
Thursday .....	12	Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Friday .....	13	(Petition-day).—Unopposed Petitions, Short Causes, and Causes.
Saturday .....	14	} Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Monday .....	16	
Tuesday .....	17	
Wednesday .....	18	
Thursday .....	19	(Petition-day).—Unopposed Petitions, Short Causes, and Causes.
Friday .....	20	
Saturday .....	21	} Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Monday .....	23	
Tuesday .....	24	Second Seal.—Motions.
Wednesday .....	25	
Thursday .....	26	Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Friday .....	27	(Petition-day).—Unopposed Petitions, Short Causes, and Causes.

Saturday .....	28	} Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Monday... March	2	
Tuesday .....	3	
Wednesday .....	4	
Thursday .....	5	(Petition-day).—Unopposed Petitions, Short Causes, and Causes.
Friday .....	6	
Saturday .....	7	} Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Monday .....	9	
Tuesday .....	10	Third Seal.—Motions.
Wednesday .....	11	
Thursday .....	12	Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Friday .....	13	(Petition-day).—Unopposed Petitions, Short Causes, and Causes.
Saturday .....	14	} Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Monday .....	16	
Tuesday .....	17	
Wednesday .....	18	
Thursday .....	19	(Petition-day).—Unopposed Petitions, Short Causes, and Causes.
Friday .....	20	
Saturday .....	21	} Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Monday .....	23	
Tuesday .....	24	Fourth Seal.—Motions.
Wednesday .....	25	
Thursday .....	26	General Petition-day.

*Before VICE-CHANCELLOR KNIGHT BRUCE, at Lincoln's Inn.*

Wednesday.. Feb.	11	First Seal.—Motions.
Thursday .....	12	Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Friday .....	13	(Petition-day).—Petitions and Causes.
Saturday .....	14	Short Causes and Causes.
Monday .....	16	Bankrupt Petitions.
Tuesday .....	17	Pleas, Demurrers, Causes, and Further Directions.
Wednesday .....	18	Bankrupt Petitions and Ditto.
Thursday .....	19	Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Friday .....	20	(Petition-day).—Petitions and Causes.
Saturday .....	21	Short Causes and Causes.
Monday .....	23	Bankrupt Petitions.
Tuesday .....	24	Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Wednesday .....	25	Second Seal.—Motions.
Thursday .....	26	Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Friday .....	27	(Petition-day).—Petitions and Causes.
Saturday .....	28	Short Causes and Causes.
Monday... March	2	Bankrupt Petitions.
Tuesday .....	3	Pleas, Demurrers, Causes, Further Directions, and Exceptions.
Wednesday .....	4	Bankrupt Petitions and Ditto.
Thursday .....	5	Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Friday .....	6	(Petition-day).—Petitions and Causes.
Saturday .....	7	Short Causes and Causes.
Monday .....	9	Bankrupt Petitions.
Tuesday .....	10	Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Wednesday .....	11	Third Seal.—Motions.
Thursday .....	12	Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Friday .....	13	(Petition-day).—Petitions and Causes.
Saturday .....	14	Short Causes and Causes.
Monday .....	16	Bankrupt Petitions.
Tuesday .....	17	Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Wednesday .....	18	Bankrupt Petitions and Ditto.
Thursday .....	19	Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Friday .....	20	(Petition-day).—Petitions and Causes.
Saturday .....	21	Short Causes and Causes.
Monday .....	23	Bankrupt Petitions.
Tuesday .....	24	Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Wednesday .....	25	Fourth Seal.—Motions.
Thursday .....	26	General Petition-day.

**Before VICE-CHANCELLOR WIGRAM, at Lincoln's Inn.**

Wednesday .. Feb. 11	First Seal.—Motions and Causes.
Thursday .....	12 { Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Friday .....	13 { (Petition-day).—Ditto.
Saturday .....	14 { Short Causes, Petitions, (unopposed first), and Causes.
Monday .....	16 { Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Tuesday .....	17 { Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Wednesday .....	18 { Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Thursday .....	19 { Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Friday .....	20 { (Petition-day).—Ditto.
Saturday .....	21 { Short Causes, Petitions, (unopposed first), and Causes.
Monday .....	23 { Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Tuesday .....	24 { Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Wednesday .....	25 { Second Seal.—Motions and Causes.
Thursday .....	26 { Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Friday .....	27 { (Petition-day).—Ditto.
Saturday .....	28 { Short Causes, Petitions, (unopposed first), and Causes.
Monday ... March 2	2 { Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Tuesday .....	3 { Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Wednesday .....	4 { Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Thursday .....	5 { Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Friday .....	6 { (Petition-day).—Ditto.
Saturday .....	7 { Short Causes, Petitions, (unopposed first), and Causes.
Monday .....	9 { Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Tuesday .....	10 { Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Wednesday .....	11 { Third Seal.—Motions and Causes.
Thursday .....	12 { Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Friday .....	13 { (Petition-day).—Ditto.
Saturday .....	14 { Short Causes, Petitions, (unopposed first), and Causes.
Monday .....	16 { Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Tuesday .....	17 { Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Wednesday .....	18 { Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Thursday .....	19 { Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Friday .....	20 { (Petition-day).—Ditto.
Saturday .....	21 { Short Causes, Petitions, (unopposed first), and Causes.
Monday .....	23 { Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Tuesday .....	24 { Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Wednesday .....	25 { Fourth Seal.—Motions and Causes.
Thursday .....	26 { General Petition-day.

**GENTLEMEN CALLED TO THE BAR.**

The following Gentlemen have been admitted to the degree of Barrister at Law:—

**LINCOLN'S INN, Jan. 28.**—W. B. Brett, Esq.; W. H. Newman, Esq.; J. W. Morrice, Esq.; G. A. F. Bentinck, Esq.; C. P. Phillips, Esq.; R. Fletcher, Esq.; E. P. Hathaway, Esq.; H. Cotton, Esq.; E. L. S. Lumsdaine, Esq.; A. C. Ogilvy, Esq.

**MIDDLE TEMPLE, Jan. 17.**—Thomas Wheeler, Esq., of St. John's, Cambridge; William Morris, Esq.; George William Bell, Esq.; George Sweet Carr, Esq.; Thomas Garfitt, Esq. Jan. 30th.—John Roberts, Esq.; Thomas Campbell Foster, Esq.; Henry John Pantin, Esq.; Frederick Ayrton, Esq.; Henry David Erskine, Esq.; Randal M'Donnell, Esq.; John Henry Drury, Esq.; Samuel Sidney Smith, Esq., late of St. Peter's College, Cambridge; Hugh George Robinson, Esq., B. A.; William Campbell Sleigh, Esq., of St. Mary's, Oxford; Edward Kemble, Esq.; John Burgess Karlake, Esq.; Francis Worsley, Esq.; James Stephen, Esq., late of Queen's College, Cambridge.

**INNER TEMPLE, Jan. 30th.**—P. W. Courtenay, Esq.; J. A. Maynard, Esq.; T. W. Whigham, Esq.; B. B. Blackwell, Esq.; F. H. Ashworth, Esq.; G. M. W. Peacocke, Esq.; W. C. D. Esdale, Esq.; R. J. Snape, Esq.; R. Ogle, Esq.; S. Taylor, Esq.; W. J. H. Moreland, Esq.; E. R. Seymour, Esq.

**GRAY'S INN, Jan. 21st.**—Samuel Joyce, Esq.

**London Gazette.****TUESDAY, FEBRUARY 3.****BANKRUPTS.**

**JOSEPH BURNE**, Myddleton-square, Middlesex, linen factor, dealer and chapman, Feb. 10 at half-past 2, and March 17 at 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Dodge, Liverpool; Bridger & Blake, 68, London-wall, London.—Fiat dated Jan. 30.

**JOSEPH HENRY NAIL**, John-street, Tottenham-court-road, Middlesex, builder, dealer and chapman, Feb. 11 at half-past 2, and March 11 at 2, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Thrupp, Winchester-buildings, Broad-street.—Fiat dated Jan. 29.

**JOHN SEASON BURGESS BUDGETT**, Strand, Middlesex, bookseller and publisher, Feb. 12 at 11, and March 17 at 12, Court of Bankruptcy, London: Off. Ass. Turquand; Sols. Armstrong & Jones, Red Lion-square.—Fiat dated Jan. 24.

**SAMUEL ARCHER**, Rochdale, Lancashire, woollen manufacturer, Feb. 18 and March 11 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Heaton, Rochdale; Norris & Co., 19, Bartlett's-buildings, Holborn.—Fiat dated Jan. 22.

**JAMES STUTTARD**, Manchester, cotton spinner and manufacturer, dealer and chapman, Feb. 16 and March 10 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Hampson & Son, Manchester; Gregory & Co., Bedford-row, London.—Fiat dated Jan. 29.

**JOHN MASSEY**, Manchester, grocer, dealer and chapman, Feb. 13 at 11, and March 6 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Barratt & Janion, Manchester; Bower & Son, 46, Chancery-lane, London.—Fiat dated Jan. 24.

**RICHARD HARVEY**, Chasewater, Cornwall, grocer, flour dealer, and shopkeeper, (trading under the firm of Richard Harvey & Co.), Feb. 18 and March 18 at 11, District Court of Bankruptcy, Exeter: Off. Ass. Herniman; Sols. Stogdon, Exeter; Kiddell & Co., Lime-street, London.—Fiat dated Jan. 31.

**GEORGE PATMORE PAYNE**, Liverpool, dealer in optical and nautical instruments and stationery, (and carrying on business as a chronometer and watch manufacturer with one John Clarke, under the firm of G. P. Payne & Co.), Feb. 17 and March 13 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sols. Hine, Liverpool; Chester & Co., Staple Inn, London.—Fiat dated Jan. 28.

**JOHN EVANS**, Liverpool, dealer in guano and chemical preparations, Feb. 17 and March 13 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Sols. Bradley, Liverpool; Walker, Furnival's Inn, London.—Fiat dated Jan. 23.

**MEETINGS.**

**Hen. Gamble**, Grimstone, Norfolk, grocer, Feb. 20 at 1, Court of Bankruptcy, London, last ex.—**John Spong**, Ockham, Surrey, coal merchant, Feb. 17 at 12, Court of Bankruptcy, London, last ex.—**Frederick Whitworth**, Shawforth, Rochdale, Lancashire, cotton manufacturer, Feb. 17 at 12, District Court of Bankruptcy, Manchester, last ex.—**George W. Gee** and **John F. Gee**, Leeds and Horsforth, Yorkshire, drapers, Feb. 16 at 11, District Court of Bankruptcy, Manchester, last ex.—**Thos. Moger**, Holborn-hill, London, and Coventry-st., Haymarket, Middlesex, poultryer, Feb. 25 at 1, Court of Bankruptcy, London, aud. ac.—**Geo. Alf. Paine**, High-st., Bloomsbury, Middlesex, church clock maker, Feb. 24 at 11, Court of Bankruptcy, London, aud. ac.—**John Evans**, Liverpool, ironmonger, Feb. 24 at half-past 12, District Court of Bankruptcy, Liverpool, aud. ac.—**Hen. Jas. Wittell**, Carnarvon, bookseller, Feb. 24 at 12, District Court of Bankruptcy, Liverpool, aud. ac.—**David Selden** and **Wm. Hynde**, Liverpool, merchants, Feb. 27 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—**Joseph Hayward**, Manchester, bookseller, Feb. 24 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Feb. 25 at 12, div.—**Robert Campbell**, Deritend, Aston, Warwickshire, brass founder, Feb. 24 at 11, District Court of Bankruptcy, Birmingham, aud. ac.—**John Cormie**, Burslem, Staffordshire, manufacturer of earthenware, Feb. 24 at 11, District Court of Bankruptcy, Birmingham, aud. ac.—**Chas. Hawkins**, Brick-lane, Spitalfields, grocer, Feb. 25 at 12, Court of Bankruptcy, London, div.

## CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

**Wm. H. Taylor**, Piccadilly, Middlesex, stove manufacturer, Feb. 26 at 12, Court of Bankruptcy, London.—**W. Vickers**, Carter-st., Walworth-road, Surrey, bill broker, Feb. 25 at 11, Court of Bankruptcy, London.—**Benj. Purnell**, New-street, Turner-st., Stepney, Middlesex, out of business, Feb. 27 at 11, Court of Bankruptcy, London.—**Fred. Cordaroy**, Liverpool, hatter, Feb. 24 at 12, District Court of Bankruptcy, Liverpool.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before Feb. 24.*

**George Coates**, Hart-st., Bloomsbury, Middlesex, apothecary.—**Wm. Lancelot Kelly**, Tewkesbury, Gloucestershire, printer.—**Edmund Knyvet**, Great Stanmore, Middlesex, teacher of music.—**Wm. Hay** and **John Alfred Titterton**, London-road, Surrey, oilmen.—**Ed. Turner**, Princes-street, Soho, Middlesex, chemist.—**Benj. Wade**, Strand, Middlesex, tailor.—**Geo. Sheraton**, Hartlepool, Durham, corn merchant.—**Charles Brogden**, Lincoln, bookseller.—**Chas. Mottram**, Wood-st., London, Manchester warehouseman.

## PARTNERSHIP DISSOLVED.

**David Erskine Forbes** and **Wm. Richard Drake**, Warrford-court, London, attorneys and solicitors.

## SCOTCH SEQUESTRATION.

**Gardner & Co.**, Tradeston, Glasgow, brick makers.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

**John Wiggall**, Exeter-st., Portman-market, and St. Alban's-place, Edgeware-road, Middlesex, ginger beer maker, Feb. 19 at 12, Court of Bankruptcy, London.—**Hen. Bennett**, Leather-lane, Holborn, Middlesex, green grocer, Feb. 6 at 11, Court of Bankruptcy, London.—**Ed. Genet**, Leipsic-road, near the Green, Camberwell, Surrey, clerk in her Majesty's Customs, London, Feb. 21 at 12, Court of Bankruptcy, London.—**Rich. Randall**, Canterbury, Kent, van proprietor, Feb. 23 at 12, Court of Bankruptcy, London.—**William Hognr**, Croker's-buildings, Charles-square, Hoxton, Shoreditch, Middlesex, Feb. 9 at 12, Court of Bankruptcy, London.—**John Turner**, Ranelagh-st., Pimlico, Middlesex, licensed retailer of beer, Feb. 9 at 11, Court of Bankruptcy, London.—**John Reine**, Green-bank, Wapping, out of business, Feb. 9 at 11, Court of Bankruptcy, London.—**A. Green**, Lisson Chapel-st., Paddington, Mary-le-bone, Middlesex, omnibus driver, Feb. 9 at 12, Court of Bankruptcy, London.—**Thos. Hopkins**, Maidstone, Kent, dyer, Feb. 9 at 11, Court of Bankruptcy, London.—**John Horn**, Gosport, Hampshire, tailor, Feb. 7 at 2, Court of Bankruptcy, London.—**Arthur Bland York**, Yardley Gobion, Northamptonshire, blacksmith, Feb. 11 at 1, Court of Bankruptcy, London.—**Eliz. Painton**, Heath-farm, East Malling, Kent, spinster, Feb. 20 at 11, Court of Bankruptcy, London.—**James Absalom**, Arundel-terrace, Back-road, Kingsland, Middlesex, attorney's clerk, Feb. 18 at 11, Court of Bankruptcy, London.—**Lewis White**, Crown-st., Finsbury, Middlesex, grocer, Feb. 18 at half-past 11, Court of Bankruptcy, London.—**Thos. Flude**, Bedford, cattle dealer, Feb. 18 at 11, Court of Bankruptcy, London.—**Thomas Redbeck**, Hare-st., Bethnal-green, Middlesex, oilman, Feb. 20 at half-past 12, Court of Bankruptcy, London.—**James Harfield Kernot**, Cannonbury-lane, Islington, Middlesex, landscape engraver, Feb. 7 at 2, Court of Bankruptcy, London.—**Wm. Davison**, Whittle Furness, Durham, mason, Feb. 17 at half-past 1, District Court of Bankruptcy, Newcastle-upon-Tyne.—**Matthew Steel**, Skelton, Cumberland, clog maker, Feb. 17 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne.—**Wm. Carpenter**, St. Mary, Staffordshire, furniture broker, Feb. 10 at half-past 11, District Court of Bankruptcy, Birmingham.—**James Goddard**, Gloucester, blacksmith, Feb. 23 at 11, District Court of Bankruptcy, Bristol.—**John Woodward Powell**, Woollaston, Gloucestershire, veterinary surgeon, Feb. 23 at 11, District Court of Bankruptcy, Bristol.—**Wm. Bonner**, Charlton Kings, Gloucestershire, hair dresser, Feb. 27 at 1, District Court of Bankruptcy, Bristol.—**Robert Smith**, Rashcliffe, Almondsbury, Yorkshire, general shopkeeper, Feb. 11 at 11, District Court of Bankruptcy, Leeds.—**J. Walker**, Sheffield, Yorkshire, iron moulder, Feb. 11 at 11, District Court of Bankruptcy, Leeds.—**Samuel Preston**, Batley, Yorkshire, mill-

wright, Feb. 11 at 11, District Court of Bankruptcy, Leeds.—**Thos. Hargreaves**, Bingley, Yorkshire, gardener, Feb. 11 at 11, District Court of Bankruptcy, Leeds.—**Christopher Baxter**, Horton, Bradford, Yorkshire, shopkeeper, Feb. 11 at 11, District Court of Bankruptcy, Leeds.—**John M. Gibbon**, Liverpool, shoemaker, Feb. 17 at 11, District Court of Bankruptcy, Liverpool.—**Hugh Jones**, Llanbeleg, Carnarvonshire, hatter, Feb. 17 at 12, District Court of Bankruptcy, Liverpool.—**Jas. Officer Whitehall**, Liverpool, painter, Feb. 17 at 11, District Court of Bankruptcy, Liverpool.—**J. Boothman**, Blackburn, Lancashire, beer seller, Feb. 11 at 12, District Court of Bankruptcy, Manchester.—**John Jervis**, Hulme, Manchester, grocer, Feb. 11 at 12, District Court of Bankruptcy, Manchester.—**John Bennett**, Rochdale, Lancashire, iron moulder, Feb. 14 at 12, District Court of Bankruptcy, Manchester.—**Robert Blincoe**, Manchester, cotton waste dealer, Feb. 14 at 12, District Court of Bankruptcy, Manchester.—**Ed. Hadaway**, North Shields, Northumberland, victualler, Feb. 19 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne.—**John Jones**, Birmingham, out of business, Feb. 9 at 12, District Court of Bankruptcy, Birmingham.

Saturday, Jan. 31.

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

**Samuel Brown**, Poland-street, Oxford-street, Middlesex, print seller: in the Debtors Prison for London and Middlesex.—**Thomas Martin**, Strand, Middlesex, pork butcher: in the Debtors Prison for London and Middlesex.—**J. G. Chalk**, Cookham, near Maidenhead, Berkshire, and Bedford-row, Middlesex, attorney at law: in the Debtors Prison for London and Middlesex.—**T. Innocent**, High-street, Shadwell, Middlesex, grocer: in the Debtors Prison for London and Middlesex.—**Henry Toshach**, Devonshire-street, Globe-road, Mile-end, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—**James Bartlett**, Southampton-st., Camberwell, Surrey, oilman: in the Gaol of Surrey.—**Thomas Peachey**, Rathbone-place, Marylebone, Middlesex, out of business: in the Queen's Prison.—**John Isaac Coombes**, Hoxton, Middlesex, clerk: in the Queen's Prison.—**Aaron Munday**, Church-street, Deptford, Kent, market gardener: in the Debtors Prison for London and Middlesex.—**Wm. Robins**, Wellington-place, Holloway, Middlesex, carpenter: in the Debtors Prison for London and Middlesex.—**Geo. Webster**, Morpeth-street, Bethnal-green, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—**Jos. Herring**, Peter-street, Clerkenwell, Middlesex, gingerbread baker: in the Debtors Prison for London and Middlesex.—**J. Newport**, Harrington-street North, Hampstead-road, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—**Henry Luscombe**, Clifford's-inn, Fleet-street, London, clerk in the Admiralty, Somerset House: in the Queen's Prison.—**Wm. Lambert**, York-street, Blackfriars-road, Surrey, out of business: in the Queen's Prison.

*(On Creditor's Petition).*

**Robt. Ford**, Wood-st., St. James's, Clerkenwell, Middlesex, plasterer: in the Debtors Prison for London and Middlesex.

*(On their own Petitions).*

**David Burnett**, Hartlepool, Durham, publican: in the Gaol of Durham.—**Henry Henley**, Durham, dealer in ale: in the Gaol of Durham.—**Abraham Emmott**, Gateshead, Durham, assistant to a straw bonnet manufacturer: in the Gaol of Durham.—**Wm. Moon**, Monmouth, grocer: in the Gaol of Monmouth.—**Sampson Vaughan**, Dudley, Worcestershire, smith: in the Gaol of Stafford.—**Robert Buckell** the younger, Tooley-street, Southwark, Surrey, traveller: in the Gaol of Winchester.—**John Graves**, Hartlethorpe, near Bubwith, Yorkshire, labourer: in the Gaol of York.—**John Sutton**, Blackmore, Essex, parish clerk: in the Gaol of Chelmsford.—**Jereboam Ridgewell**, Thaxted, Essex, shoemaker: in the Gaol of Chelmsford.—**Wm. Green**, Mathon, Worcestershire, farmer: in the Gaol of Worcester.—**Henry Deakins**, Earl's Croome, near Upton-upon-Severn, Worcestershire, farmer: in the Gaol of Worcester.—**Thomas Howse**, Worcester, coach proprietor: in the Gaol of Worcester.—**John Stout**, Barnard Castle, Durham, confectioner: in the Gaol of Durham.—**John C. Mais**, Dovor, Kent, wine merchant: in the Gaol of Dovor.

*The following Prisoners are ordered to be brought before the Court, in Portugal-st., on Thursday, Feb. 19, at 9.*

**Thomas Wescott**, Market-street, Borough-road, Southwark,



Surrey, paper manufacturer.—*Wm. George Allmond*, Bexley-heath, Bexley, Kent, out of business.—*Thos. Tribe Harrison*, Rotherfield-street, Lower-road, Islington, Middlesex, commercial traveller.—*Geo. Fred. Shepherd*, Lower Rosomon-street, Clerkenwell, Middlesex, pearl worker.—*William John Chetwynd* the younger, Newington-causeway, Surrey, clerk in the General Post-office, St. Martin's-le-Grand, Middlesex.

*Court-house, READING, Berkshire, Feb. 17 at 10.*

*Richard Thovey*, Reading, baker.—*Wm. Curtis*, New Windsor, tailor.—*John Love*, Bray, near Maidenhead, gamekeeper.

*Court-house, YORK CASTLE, (County), Feb. 18 at 10.*

*William Read*, York, out of employ.—*Thomas Harrison*, Dalton in Gayles, near Richmond, labourer.—*R. W. Ainsworth*, Hodon in Holderness, schoolmaster.—*John Frankland*, Fremington, near Reeth, labourer.—*John Graves*, Harthorpe, near Bubwith, labourer.

*Court-house, OXFORD, (County), Feb. 19 at 10.*

*George Peake*, Hethes, carpenter.—*W. Douglas*, Fringford, baker.—*Wm. White Sherratt*, Grand Pont, Berkshire, tailor.

#### MEETING.

*Joseph Mead*, Sutton, Isle of Ely, Cambridgeshire, bricklayer, Feb. 20 at 11, Cross Keys Public-house, Mepal, Isle of Ely, sp. affairs.

### FRIDAY, FEBRUARY 6.

#### BANKRUPTS.

**JOHN ROBERTS**, Kidderminster, Worcestershire, clothier, dealer and chapman, Feb. 13 at half-past 1, and March 20 at 12, Court of Bankruptcy, London: Off. Ass. Alsager; Sols. Cox & Co., 14, Sise-lane, Bucklersbury, London.—Fiat dated Jan. 28.

**SAMUEL NOLLER**, Ipswich, Suffolk, innkeeper, dealer and chapman, Feb. 12 at 1, and March 20 at 11, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Buchanan, Basinghall-street.—Fiat dated Feb. 3.

**HONOURABLE FRANCIS HENRY NEEDHAM**, New Bond-street, and Fairfield-lodge, Addison-road, Kensington, Middlesex, (carrying on business at New Bond-street, under the name of Lawrence), dressing-case maker, dealer and chapman, Feb. 17 at 1, and March 20 at half-past 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Fisher, 2, Verulam-buildings, Gray's-inn.—Fiat dated Jan. 26.

**RICHARD CHARLES TURNER**, Houndsditch, London, carpenter and builder, Feb. 12 at 11, and March 20 at 12, Court of Bankruptcy, London: Off. Ass. Belcher; Sols. Norton & Son, New-street, Bishopsgate.—Fiat dated Feb. 3.

**ROBERT GUNN**, Clare, Suffolk, corn dealer, dealer and chapman, Feb. 13 at half-past 11, and March 20 at 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Hughes & Turner, 30, Charles-street, City-road.—Fiat dated Feb. 2.

**JOHN WILLIAM FROST**, Back-lane, Kingsland-green, Middlesex, coffee dealer, dealer and chapman, Feb. 13 at 3, and March 20 at half-past 11, Court of Bankruptcy, London: Off. Ass. Belcher; Sols. Shearman & Slater, Great Tower-street.—Fiat dated Jan. 19.

**WILLIAM STOCKBRIDGE**, High-street, Wandsworth, Surrey, tobaccoconist, Feb. 17 and March 18 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Lawrence & Co., Old Fish-street, London.—Fiat dated Feb. 2.

**JOSEPH HENRY NOCK**, High-street, Poplar, Middlesex, outfitter, slopeller, dealer and chapman, Feb. 12 and March 17 at 12, Court of Bankruptcy, London: Off. Ass. Turquand; Sols. Hodgson & Co., Lincoln's-inn-fields.—Fiat dated Jan. 31.

**ALEXANDER INGLIS**, Portsea, Southampton, draper, dealer and chapman, Feb. 17 at 11, and March 25 at 1, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Soles & Turner, Aldermanbury, London.—Fiat dated Feb. 3.

**GEORGE DUCKHAM**, Merthyr Tydfil, Glamorganshire, butcher and publican, dealer and chapman, Feb. 20 at 11, and March 20 at 12, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sol. Hassell, Bristol.—Fiat dated Feb. 4.

**JOHN WHITE**, St. Benet's-place, Gracechurch-street, London, wine merchant, Feb. 14 at 11, and March 14 at 2, Court of Bankruptcy, London: Off. Ass. Green; Sol. Eysse, Bond-court, Walbrook.—Fiat dated Feb. 4.

**JOHN BURBIDGE** and **JOHN BURBIDGE** the younger, Tyase-street, Clerkenwell, Middlesex, cabinet makers, dealers and chapmen, Feb. 11 at 1, and March 14 at 1, Court of Bankruptcy, London: Off. Ass. Follett; Sol. Macphail, Wilmington-square.—Fiat dated Jan. 30.

**CHARLES MOYLE**, Whitechurch, Shropshire, linen and woollen draper, dealer and chapman, Feb. 20 and March 13 at 11, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Sale & Co., Manchester; Reed & Co., Friday-street, London.—Fiat dated Jan. 31.

**EDWARD WHITE BAXTER**, Coventry, Warwickshire, ironmonger, Feb. 18 and March 16 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Hodgson, Birmingham; Vincent & Co., Temple, London.—Fiat dated Jan. 28.

**FRANCIS WARD**, Batley, Yorkshire, rag merchant, Feb. 19 and March 24 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sols. Haxby, Dewsbury; Bond, Leeds; Taylor, Nicholas-lane, London.—Fiat dated Jan. 26.

**JOHN HILL**, Birmingham, currier and dealer in leather, Feb. 18 and March 20 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sol. Harding, Birmingham.—Fiat dated Jan. 31.

**JAMES DUKE**, Newark-upon-Trent, Nottinghamshire, plaster merchant and brick maker, Feb. 16 and March 16 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Brown, Nottingham; Jaques & Edwards, Ely-place.—Fiat dated Jan. 30.

**GEORGE HANDEL OPENSCHAW**, Over Darwen, Lancashire, power-loom-cloth manufacturer, dealer and chapman, Feb. 19 and March 12 at 1, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Ainsworth & Sons, Blackburn; Bower & Son, Chancery-lane, London.—Fiat dated Jan. 29.

#### MEETINGS.

*Francis Robinson*, Princes-st., Chelsea, Middlesex, cow-keeper, Feb. 27 at 3, Court of Bankruptcy, London, and ac.—*Arthur Southcombe Tucker* and *Geo. Muriel Bidwell*, Melcombe Regis, Dorsetshire, grocers, Feb. 28 at 11, Court of Bankruptcy, London, and ac.—*John Smith*, Liverpool, licensed victualler, Feb. 27 at half-past 11, District Court of Bankruptcy, Liverpool, and ac.—*J. Phipson*, Birmingham, button manufacturer, Feb. 28 at 11, District Court of Bankruptcy, Birmingham, and ac.—*Thos. Gallimore*, Burslem, Staffordshire, earthenware manufacturer, Feb. 27 at 11, District Court of Bankruptcy, Birmingham, and ac. and fin. div.—*Fredk. Egerton*, Birmingham, wine merchant, Feb. 27 at 11, District Court of Bankruptcy, Birmingham, and ac.—*Wm. Ibbotson*, Sheffield, Yorkshire, merchant, Feb. 28 at 11, District Court of Bankruptcy, Leeds, and ac.—*Jas. Crich*, Sheffield, Yorkshire, maltster, Feb. 28 at 11, District Court of Bankruptcy, Leeds, and ac.—*George Holdsworth*, Northowram, Halifax, Yorkshire, worsted spinner, Feb. 28 at 11, District Court of Bankruptcy, Leeds, and ac.—*John King*, Kingston-upon-Hull, mercer, Feb. 28 at 11, District Court of Bankruptcy, Leeds, and ac.—*J. Flower* and *James Flower*, Sheffield, Yorkshire, ironfounders, Feb. 28 at 11, District Court of Bankruptcy, Leeds, and ac.—*John Collins*, Sheffield, Yorkshire, grocer, Feb. 28 at 11, District Court of Bankruptcy, Leeds, and ac.—*John Dyson*, Sheffield, Yorkshire, scythe manufacturer, Feb. 28 at 11, District Court of Bankruptcy, Leeds, and ac.—*Roderick Mackenzie*, Hunterst., Brunswick-square, Middlesex, and Bond-court, Walbrook, London, commission agent, Feb. 27 at 11, Court of Bankruptcy, London, div.—*John Hind*, George-row, Bermondsey, Surrey, merchant, Feb. 27 at 12, Court of Bankruptcy, London, fin. div.—*Rich. Lee*, R. J. Brassey, Fuller Furr, and Geo. Lee, Lombard-st., London, bankers, Feb. 27 at 1, Court of Bankruptcy, London, fin. div.—*Wm. Tuck*, Elsing, Norfolk, miller, Feb. 27 at 11, Court of Bankruptcy, London, div.—*David Selden* and *Wm. Hynde*, Liverpool, merchants, March 3 at 11, District Court of Bankruptcy, Liverpool, div.—*Ed. Thomas Jones* and *Henry Morritt Crosskill*, Rochdale, Lancashire, booksellers, Feb. 17 at 12, District Court of Bankruptcy, Manchester, div. joint and sep. est.—*Thos. Todd*, Manchester, dealer in cotton goods, Feb. 18 at 12, District Court of Bankruptcy, Manchester, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on the Day of Meeting.*

*Arthur Southcombe Tucker and Geo. Muriel Bidwell,*

Melcombe Regis, Dorsetshire, grocers, Feb. 28 at 11, Court of Bankruptcy, London.—*Jas. Robinson*, Leeds, cloth merchant, March 3 at 11, District Court of Bankruptcy, Leeds.—*Mark Starley*, Southam, Warwickshire, organ builder, March 4 at 11, District Court of Bankruptcy, Birmingham.—*Wm. Brown*, Atherstone, Warwickshire, ironmonger, Feb. 28 at 11, District Court of Bankruptcy, Birmingham.

*To be allowed by the Court of Review in Bankruptcy, unless*  
*Can be shown to the contrary on or before Feb. 27.*

*Geo. Bickerton Rudge and Arthur Jeffery Rudge*, Gloucestershire, Middlesex, japan leather manufacturers.—*Wilson Wood and J. Holmes*, Maidstone, Kent, tea dealers.—*Wm. Hulley*, Bakewell, Derbyshire, tailor.—*Charles Jos. Russel*, Ludlow, Shropshire, scrivener.—*Wm. Guy Taylor and Elizabeth Guy*, Liverpool, hosiers.—*Thos. Bailey*, Bedminster, Bristol, builder.—*Jas. Carse Kendall*, Islington, Middlesex, tavern keeper.—*J. Savage*, Old Compton-street, Soho-square, Middlesex, victualler.—*Jonathan Thos. Maund*, Birmingham, laceman.—*Richard Tindle Terry*, Bristol, ship chandler.

#### FIATS ANNULLED.

*John Pickles*, Preston, Lancashire, cotton spinner.—*John Smith*, Crescent, Jewin-st., Cripplegate, London, wholesale warehouseman.

#### SCOTCH SEQUESTRATIONS.

*John Hicks*, Glasgow, bookseller.—*David Richard*, Auchtermarder, manufacturer.—*Robert Spence & Sons*, Linlithgow, curriers.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Wm. Wilkins*, Wellington, Somersetshire, out of business, Feb. 18 at 11, District Court of Bankruptcy, Exeter.—*Wm. Motley*, East Keal, near Spilsby, Lindsey, Lincolnshire, cottager, Feb. 18 at 11, District Court of Bankruptcy, Leeds.—*Jos. Hobson*, Bowling, near Bradford, Yorkshire, commission agent, Feb. 18 at 11, District Court of Bankruptcy, Leeds.—*William Daniel Fletcher*, Nottingham, livery-stable keeper, Feb. 28 at half-past 10, District Court of Bankruptcy, Birmingham.—*Thomas Langford*, Willaston, near Neston, Cheshire, boot maker, Feb. 17 at 12, District Court of Bankruptcy, Liverpool.—*Elijah Mayer*, Tunstall, Wolstanton, Staffordshire, retailer of beer, Feb. 24 at 11, District Court of Bankruptcy, Birmingham.—*Luke Barton*, Nottingham, bobbin manufacturer, Feb. 13 at 12, District Court of Bankruptcy, Birmingham.—*John Jas. Flyger*, Robin Hood-lane, Poplar, Middlesex, carpenter, Feb. 19 at 12, Court of Bankruptcy, London.—*Wm. Upon*, Billericay, Great Burstead, Essex, wheelwright, Feb. 19 at 12, Court of Bankruptcy, London.—*Henry Peters*, Bristol, officer in her Majesty's Customs, Bristol, Feb. 24 at half-past 1, District Court of Bankruptcy, Bristol.—*John Trott*, Bristol, furniture broker, Feb. 20 at 11, District Court of Bankruptcy, Bristol.—*R. Starkie*, Manchester, out of business, Feb. 21 at 12, District Court of Bankruptcy, Manchester.—*George Awdas*, Hoyalnd, Yorkshire, blacksmith, Feb. 18 at 11, District Court of Bankruptcy, Leeds.—*Jos. Fullowes*, Shrewsbury, Shropshire, gardener, Feb. 17 at 12, District Court of Bankruptcy, Birmingham.—*H. J. Arnold*, Wellington, Shropshire, schoolmaster, Feb. 27 at half-past 10, District Court of Bankruptcy, Birmingham.—*Wm. Cartwright Hughes*, Hereford, out of business, Feb. 10 at 11, District Court of Bankruptcy, Birmingham.—*Jos. Law*, Billington, Lancashire, farmer, Feb. 23 at 12, District Court of Bankruptcy, Manchester.—*Wm. J. Horsfield*, Sheffield, Yorkshire, out of business, Feb. 18 at 11, District Court of Bankruptcy, Leeds.—*Thos. Pickles*, High Skelgate, Ripon, Yorkshire, linendraper, Feb. 18 at 11, District Court of Bankruptcy, Leeds.

*Wednesday, Feb. 4.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*  
*(On their own Petitions).*

*Thos. Syrett*, Fryer's-hill, Great Hermitage-st., Wapping, Middlesex, carman: in the Debtors Prison for London and Middlesex.—*Jos. Clarke*, Michael's-pl., Brompton, Middlesex, surgeon: in the Debtors Prison for London and Middlesex.—*Jas. Rob. S. Macnamara*, Cleveland-row, St. James's, Middlesex, attorney at law: in the Queen's Prison.—*Fred. Aug. Macnamara*, Cleveland-row, St. James's, Middlesex,

out of employ: in the Queen's Prison.—*Sam. Wilson*, Coal-yard, Drury-lane, Middlesex, wheelwright: in the Debtors Prison for London and Middlesex.—*Jonathan Patten*, Paradise-st., Lambeth, Surrey, messenger at the Colonial Office, Downing-st.: in the Debtors Prison for London and Middlesex.—*Rich. Enoll*, Broad-st., St. Giles's, Middlesex, linen draper: in the Queen's Prison.—*Samuel Guy Taylor*, St. James's-terrace, Kentish-town-road, and Grosvenor-st., Bond-street, Middlesex, auctioneer: in the Queen's Prison.—*James Dowsett*, Midford-pl., Tottenham-court-road, Middlesex, machine sawyer: in the Debtors Prison for London and Middlesex.—*John B. Ratcliffe*, Blackman-st., Southwark, Surrey, porkman: in the Gaol of Surrey.—*Wm. Cook*, Edwardstone, Suffolk, out of employment: in the Gaol of Ipswich.—*Rob. Taylor*, Norwich, out of employment: in the Gaol of Ipswich.—*Thos. Trew*, Ipswich, Suffolk, out of employment: in the Gaol of Ipswich.—*Sam. Collis*, Walton, near Felixton, Suffolk, out of business: in the Gaol of Ipswich.—*Thomas Doubleday*, Newcastle-upon-Tyne, out of business: in the Gaol of Newcastle-upon-Tyne.—*Jas. Glendinning* the younger, Newcastle-upon-Tyne, attorney's clerk: in the Gaol of Newcastle-upon-Tyne.—*John B. Ransome*, Norfolk, out of business: in the Gaol of Great Yarmouth.—*Hen. Thos. Prebble*, Ramsgate, Kent, tea agent: in Dover Castle.—*Phil. Saunders*, Velindre, Glasbury, Breconshire, labourer: in the Gaol of Brecon.—*Thos. Runney*, Ardwick-green, Ardwick, Manchester, shopman to a grocer: in Lancaster Castle.—*Robert Riding*, Cockbridge, Whalley, near Blackburn, Lancashire, coal proprietor: in Lancaster Castle.—*Geo. Knowles*, Chorlton-upon-Medlock, Manchester, grocer: in Lancaster Castle.—*James Broadley*, Rochdale, Lancashire, labourer: in Lancaster Castle.—*James Walker*, Manchester, butcher: in Lancaster Castle.—*John Hague*, St. Michael at Thorn, Norwich, gig maker: in Norwich Gaol.—*Henry Bravery*, Upper Sydenham, Lewisham, Kent, baker: in the Gaol of Maidstone.—*Francis Chear*, Brighton, Sussex, out of business: in the Gaol of Lewes.—*Thos. Evans*, Bangor, Carnarvonshire, watch maker: in the Gaol of Carnarvon.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Tuesday, Feb. 10, at 9.*

*Adjourned.*

*John Drucquer*, Strand, Middlesex, tobacconist.

*Feb. 21, at the same hour and place.*

*Rob. Colls*, Essex-st., Old Bethnal-green-road, Middlesex, baker.—*Rob. Woodhouse*, North-st., Fitzroy-sq., Middlesex, not in any business.—*John Alf. Catton*, Hill-st., Trevor-sq., Brompton, Middlesex, house decorator.—*Thos. Cooke*, New Farringdon-st., London, tailor.—*Thos. Hull*, Peckham-grove, Camberwell, Surrey, out of business.

*Feb. 23, at the same hour and place.*

*Thos. Freeman*, Union-place, Lower-road, Islington, Middlesex, carpenter.—*Thomas Martin*, Strand, Middlesex, pork butcher.—*Wm. Hayter*, Somerset-pl., Beven-den-st., Hoxton New-town, Middlesex, coach maker.—*Wm. Lambert*, York-street, Blackfriars-road, Surrey, out of business.

*Court-house, CHELMSFORD, Essex, Feb. 20, at 10.*

*Samuel Snow*, Stansted, Mountfitchet, plumber.—*William Tydeman*, Springfield, collector of rents.—*Joshua Last*, Colchester, jobber.—*Jerob. Ridgewell*, Thaxted, boot maker.—*Jos. T. Butcher*, Chelmsford, no business.—*Thos. Barron*, Clavering, near Saffron Waldon, blacksmith.—*John Sutton*, Blackmore, parish clerk.

#### INSOLVENT DEBTORS' DIVIDENDS.

*Dan. Speakman*, Church Stretton, Shropshire, farmer: 5*d.* in the pound.—*Stephen Fogden*, Old Ford-lane, Old Ford, Bow, Middlesex, tide waiter in the Customs: 4*s.* 6*d.* in the pound.—*Geo. Lee*, Deptford, Kent, superannuated boatswain in her Majesty's navy: 6*s.* in the pound.—*Rich. Stone*, Gibson-st., Lambeth, Surrey, oil man: 1*s.* 7*d.* in the pound.—*Pet. King*, White Conduit-terrace, Islington, Middlesex, ensign in her Majesty's 31st regiment of foot: 2*s.* 3*d.* in the pound.—*Michael Tunnaciff*, Titchborne-st., Edgeware-road, Middlesex, clerk in the General Registry Office, Somerset-house, Strand: 1*s.* 8*d.* in the pound.—*Henry Dove*, Britannia-place, Wandsworth-road, Surrey, tea dealer: 11*d.* in the pound.

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House of Lords .....	{ E. T. HOOD, Esq. of the Inner Temple, Barrister at Law.	Court of Queen's Bench { G. J. P. SMITH, Esq. of the Inner Temple; and	
Privy Council .....	{ H. W. CRIPPS, Esq. of the Middle Temple, Barrister at Law.	Queen's Bench Bail Court { A. V. KIRWAN, Esq. of Gray's Inn, Barrister at Law.	
The Lord Chancellor's Court .....	{ E. T. HOOD, Esq. of the Inner Temple, Barrister at Law.	Court of Common Pleas, including Appeals under Registration of Voters Act.... { D. POWER, Esq. of Lincoln's Inn, Barrister at Law.	
Master of the Rolls Court {	G. Y. ROBSON, Esq. of the Inner Temple, Barrister at Law.	Court of Exchequer .... { W. M. BEST, Esq. of Gray's Inn, Barrister at Law.	
Vice-Chancellor of England's Court .....	{ TENISON EDWARDS, Esq. of the Inner Temple, Barrister at Law.	Ecclesiastical and Admiralty Courts .....	{ J. P. DEANE, D.C.L. of Doctors' Commons.
Vice-Chancellor Knight Bruce's Court..... {	W. W. COOPER, Esq. of the Inner Temple, Barrister at Law.	Court of Review .....	{ W. W. COOPER, Esq. of the Inner Temple, Barrister at Law.
Vice-Chancellor Wigram's Court .....	{ F. FRISHER, Esq. of Lincoln's Inn, Barrister at Law.		

LONDON, FEBRUARY 14, 1846.

A QUESTION of some difficulty, upon the construction of the Stamp Act, (55 Geo. 3. c. 184, sched., pt. 1), arises occasionally in practice, in reference to the measure of the ad-valorem stamp, upon a purchase of an equity of redemption.

Most of our readers are, of course, well aware, that, according to the usual form of conveyance to pass an equity of redemption, the vendor conveys the land to the purchaser or his trustee, (subject to the mortgage debt, if the purchaser is not himself the mortgagee); and the purchaser, if he is not the mortgagee, covenants with the vendor to pay the debt; or, if he is the mortgagee, releases the debt. This is the usual transaction whenever the equity of redemption is really worth something; or, whenever the equity of redemption being worth nothing, the mortgagee himself takes a conveyance of it in consideration of the debt and interest, the mortgagee being a person to whom it is practically material to be freed from the debt, if he relinquishes the ownership of the security. Whenever this is the transaction, it is perfectly clear, that the ad-valorem stamp must cover the amount of the mortgage-money, as well as the consideration, if any, given for the equity of redemption.

But, occasionally, instances occur, in which the debt, by accumulation of arrears of interest, so enormously exceeds the value of the security, and in which the mortgagor is so hopelessly insolvent, that the equity of redemption is superfluous as a protection against the right of redemption of the mortgagor, and the release of the debt is perfectly devoid of any practical utility to the mortgagor, whose safety against being sued upon the bond or covenant is, that he is, and is well known to be, incapable of paying the debt. In this sort of case, the only value of the equity of redemption is by way of

giving completeness to the title; and the only object, as between the parties, is for the mortgagor to obtain some slight amount of valuable consideration for his equity of redemption, and for the mortgagee to get a conveyance at the least possible expense. The question then arises, whether, if the mortgage debt be technically kept on foot as the debt of the mortgagor, the ad-valorem stamp must cover the mortgage debt, or whether it is not sufficient if it covers merely the consideration paid for the equity of redemption.

The solution of this question depends principally upon the construction of a clause in the schedule to the Stamp Act, which is in the following words:—"And where any land or property shall be sold and conveyed, in consideration, wholly or in part, of any sum of money charged thereon by way of mortgage, wadset, or otherwise, and then due and owing to the purchaser, or shall be sold and conveyed subject to any mortgage, wadset, bond, or other debt, or to any gross or entire sum of money to be afterwards paid by the purchaser, such sum of money or debt shall be deemed the purchase or consideration money, or part of the purchase or consideration money, as the case may be, in respect whereof the said ad-valorem duty is to be paid."

The two questions upon this clause are, firstly, whether, supposing a mortgagee to purchase an equity of redemption for any given sum, and to take a conveyance without releasing the debt, the transaction comes within the first branch of the clause; and, secondly, whether, if the purchase be by a stranger, who takes a conveyance of the equity of redemption, without covenanting to pay the mortgage debt, the transaction comes within the second branch of the clause.

Technically speaking, we apprehend, that, in the case first supposed, the purchase is not in consideration of a debt then due and owing to the purchaser; for the debt, not being released, remains the debt of the mortgagor, who might, we apprehend, be sued for it.

It seems settled, that a mortgagee may, after *foreclosure*, bring an action upon the bond or covenant contained in the mortgage-deed, for the debt; only he thereby opens the foreclosure. (*Aylett v. Hill*, 2 Dick. 551; *Dashwood v. Blythway*, 1 Eq. Ca. Abr. 387; *Perry v. Barker*, 13 Ves. 198). That is, provided he will consent to revive the mortgagor's right to redeem, he may sue for the debt, although he has taken the estate by a decree of foreclosure.

We are not apprised of any decision, that a mortgagee, having *purchased* the equity of redemption, may sue upon the debt, if it has not been released; but we submit to our readers, that there seems no reason why the doctrine applicable to the cases where he has obtained the equity of redemption by foreclosure, would not be equally applicable to the case where he has obtained it by purchase and conveyance. The doctrine of estoppel is out of the question, as the conveyance of the estate has nothing to do with the covenant to pay the debt; the question, whether the estate is or is not a security for the debt, being, in fact, a question purely of equity. And when we find the debt left, in point of form and at law, subsisting, upon a conveyance of the equity of redemption, the inference to be collected from the deed itself, so far from shewing any intention of the parties to treat the debt as the consideration, shews, on the contrary, an intention not to relinquish the debt as a subsisting claim; but, to reserve to the purchaser his character of mortgagee, and his right, as such, still to proceed for the debt, if at any time he shall prefer doing so, subject to the condition of waiving his right to the equity of redemption of the estate. It may be very true, that, in substance, the debt is the consideration for the estate, thus far; that, so long as the debt remains unpaid, the estate remains the creditor's; and that the creditor cannot have the estate absolutely without giving up the debt; but that is only, in other words, to say that the relation of mortgagor and mortgagee is not absolutely destroyed; and the question ultimately comes back to this, whether a creditor, purchasing an estate of his debtor, not by absolutely giving up his claim, but by keeping, as it were, his right to sue only in abeyance, and reserving a right to sue if and when he chooses to give up the absolute ownership of the estate, can be said, strictly, to have given his debt as the *consideration* of the estate. If the debt cannot be said, in the strictest and fullest sense, to be the consideration, we apprehend the Stamp Act does not apply, as we must recollect that it is in the nature of a penal act, and is always construed most strictly, sometimes, indeed, with absurd strictness, against the revenue.

The case of a purchaser of an equity of redemption, when the mortgage debt is in a third person, the purchaser not covenanting with the mortgagor to pay the debt, must be dealt with in reference to the second branch of the clause of the Stamp Act above referred to; and the question will be, whether, in such a case, the consideration is a mortgage debt, *to be afterwards paid by the purchaser*. Now, we contend, in the first place, that the statute, by these last words, must be intended to mean not a debt which the purchaser *may*, in events, have to pay, but a debt which he is immediately liable to pay and to be sued for. That the mortgagee cannot sue the purchaser for the debt, is clear.

He may take the estate, but there is no personal property between him and the purchaser of the equity of redemption. But, supposing the mortgagee to sue and recover against the mortgagor, leaving the estate untouched, it is equally clear, that, at law, the mortgagor has no remedy against the purchaser, who has not covenanted with him to pay the debt, and has, on the contrary, expressly bought the estate subject to the debt, that is, subject to the right of the mortgagee to pay himself out of it, if he prefers the security of the estate to the personal liability of the mortgagor. It is true, that, in that case, equity will hold the purchaser liable to indemnify the mortgagor; for, as Lord Eldon expressed it in *Waring v. Ward*, (7 Ves. 337), "This court would, if he (the purchaser) receives possession, and has the profits, independent of contract, raise upon his conscience an obligation to indemnify the vendor against the personal obligation to pay the money due upon the vendor's transaction of mortgage; for, being become the owner of the estate, he must be supposed to intend to indemnify the vendor against the mortgage." But what is this liability of the purchaser? It is not an immediate liability, either at law or in equity, to pay the debt; not a liability which makes the debt a debt in all events, *afterwards to be paid by the purchaser*, but merely an equitable liability,—a species of implied contract in equity,—that, if the mortgagor is made to pay out of his personal estate, the purchaser of his security shall then, and only on that contingency, be bound, not to pay the debt, but to compensate the mortgagor for having paid the debt. We submit that such a liability does not make the mortgage debt a debt *to be afterwards paid by the purchaser*, and, therefore, that it does not form the consideration for the purchase of the estate, within the meaning of the Stamp Act.

#### COURT OF QUEEN'S BENCH.

Feb. 12.—The court delivered judgment in the following cases:—

*Bond v. Nurse*—Rule nisi.

*Page v. Hatchett*—Rule refused on the first count; rule nisi on the count in trover, unless plaintiff elects to abandon the issues on that count within a fortnight.

*Levelock v. Franklin*—Rule nisi.

*Yates v. Watson*—Rule refused.

*Topping v. Heyter*—Rule absolute for new trial.

*Paine v. The Guardians of the Strand Union*—Rule absolute for nonsuit.

*Doe d. Angell v. Angell*—Rule absolute for new trial on payment of costs.

*Taylor v. Tenant*—Rule refused.

*Ambler v. Turner*—Rule refused.

*Gale v. Lewis*—Rule absolute for new trial.

Feb. 13.—The court delivered judgment in

*Reg. v. The North Midland Railway Company*—Inquisition quashed.

On Saturday, Feb. 14, the court will deliver judgment in the following cases:—

*Reg. v. The Inhabitants of Birmingham*.

*De Medina v. Grove*.

*Milner v. Meyers*.

*Foster v. The Bank of England*.

*Rogers v. Brenton*.

*Reg. v. Campbell*.

MASTERS IN CHANCERY.—The Lord Chancellor has appointed the following gentlemen Masters Extraordinary in the high Court of Chancery:—Thomas Husband Gill, of Devonport, in the county of Devon; Thomas Amphlett, of Sutton Coldfield, in the county of Warwick; James Philcox the younger, of Burwash, in the county of Sussex; Thomas Nicka, of Warwick; William Knight, of Tamworth.

## EQUITY CAUSE LISTS AFTER HILARY TERM, 1846.

## Court of Chancery.

\*. The following abbreviations have been adopted to abridge the space the Cause Papers would otherwise have occupied.—*A.* Abated—*Adj.* Adjourned—*A. T.* After Term—*Ap.* Appeal—*C. D.* Cause Day—*C.* Costs—*D.* Demurrer—*E.* Exception—*F. D.* Further Directions—*M.* Motion—*P. C.* Pro Confesso—*Pl.* Plea—*Ptn.* Petition—*R.* Re-hearing—*S. O.* Set Over—*SA.* Short.

Before the LORD CHANCELLOR.

## APPEALS.

Strickland v. Strickland (Ap) }  
 Ditto v. Boynton } to be  
 Ditto v. Strickland } fixed.  
 Miller v. Craig (Ap) A pt. hd.  
 Vandeleur v. Blagrove (Ap) To fix a day  
 Croaley v. Derby Gas Co. (Ap) part heard  
 Ledbrooke v. Smith (Ap)  
 Hitch v. Leworthy (Ap)  
 Coore v. Lowndes (Ap)  
 Minor v. Minor (3 Ap)  
 Drake v. Drake (Ap)  
 Dalton v. Hayter (Ap)  
 Baggett v. Mox (Ap)  
 Payne v. Banner (Ap)  
 Dehann v. Lyall (Ap)  
 Moorat v. Richardson (Ap)  
 Millbank v. Collier (Ap for want of parties)  
 Deaks v. Stanhope (3 Ap)  
 Wilshire v. Rabbitt (Ap)  
 Archer v. Hudson (Ap)  
 Turner v. Newport (Ap)  
 Att.-Gen. v. Masters and Wardens, &c. of the City of Bristol (Ap)  
 Traleok v. Robey (Ap)  
 Youngusband v. Gisborne (Ap)

Courtney v. Williams (Ap)  
 Whitworth v. Gangan (Ap)  
 Bush v. Shipman (Ap)  
 Black v. Chaytor (Ap)  
 Mitford v. Reynolds (E) } By Johnson v. Ditto (F D) } ord.  
 Thwaites v. Foreman (Ap)  
 Watts v. Lord Eglinton (Ap)  
 Curson v. Belworthy (Ap)  
 Watson v. Parker (Ap)  
 Dietrichson v. Cabburn (Ap)  
 Bellamy v. Sabine (Ap)  
 Att.-Gen. v. Malkin (Cause by order)  
 Johnson v. Child (Ap)  
 Kidd v. North (Ap)  
 Dord v. Wightwick (Ap)  
 Carmichael v. Carmichael (Ap)  
 Hawkes v. Howell (Ap)  
 Heming v. Swinnerton (Ap)  
 Trail v. Bull (Ap)  
 Youde v. Jones (Ap)  
 Wrightson v. Masonley (Ap)  
 Carpmal v. Powis (Ap)  
 Lawrence v. Bowie (Cause by order)  
 Gompertz v. Gompertz (3 causes, Ap)  
 Morris v. Howse } (Ap)  
 Horseman v. Abbey }  
 Thomas v. Blackman (Ap)

Before the VICE-CHANCELLOR OF ENGLAND.

## PLEAS, DEMURRERS, CAUSES, AND FURTHER DIRECTIONS.

Rigby v. Rigby (Pl)  
 Rozman v. Craig (Def't.'s objection as to parties)  
 Fell v. Gibson  
 Ely v. Ely (D)  
 Bostock v. Shaw (D)  
 Atkinson v. Jones }  
 Ditto v. Manley }  
 Friswell v. King (F D, C, Ptn) March 26  
 Gaches v. Warner (2 causes) To fix a day  
 Champion v. Champion  
 Gregson v. Hindley  
 Att.-Gen. v. Earl of Devon To fix a day  
 Beale v. Boot (F D, C)  
 Davis v. Chanter (3 causes) }  
 Davis v. Best (adv. by ord.) }  
 Harris v. Davison  
 Parker v. Day  
 Parker v. Goude  
 Henderson v. Eason (E)  
 Searle v. Law (F D, C)  
 Ferrabee v. Lewis (F D, C)  
 Harcourt v. M'Cabe  
 Booth v. Creswick (E)  
 Althibone v. Jones  
 Howell v. Reeves  
 Smith v. Sherwood  
 Legh v. Legh (F D, C)

Newport v. Lomas (5 causes, E, C)  
 Parnell v. Hand (F D, C)  
 Attorney-Gen. v. Wright  
 Terry v. Wachter  
 Borrodale v. Swann  
 Scott v. Ditto  
 Rogers v. Rogers (F D, C)  
 Horner v. Billam  
 Simpson v. Holt (F D, C)  
 Thompson v. Michele  
 Garrod v. Moor  
 Larkin v. Sandle (F D, C)  
 Lovett v. Marquis of Bath  
 Smale v. Beckford  
 Peacock v. Kernot  
 Morrison v. Watkins  
 Patten v. Peplow  
 Scafe v. Stewart (F D, C)  
 Wright v. Barnewell (E, F D)  
 Greenway v. Buchanan  
 Walton v. Morrill  
 Parker v. Hawkes (E)  
 Davison v. Bagley  
 Brunton v. Neale  
 Penny v. Turner  
 Attorney-Gen. v. Malkin  
 Giffard v. Withington  
 Daniel v. Hill  
 Insole v. Featherstonhaugh  
 Lane v. Durant (E, F D)

Pocock v. Johnson  
 Coope v. Lewis  
 Evans v. Hunter  
 Attorney-Gen. v. Trevanion  
 Stert v. Cooke  
 Blundell v. Gladstone (4 caus. F D)  
 Hodgkinson v. Barrow (F D, C)  
 Colbourn v. Coling  
 Gowar v. Bennett (F D)  
 Hickson v. Smith (at def't. request)  
 Palmer v. Pattison (F D, C)  
 Fryer v. Fryer  
 Lee v. Ryle (F D, C)  
 Minter v. Wraith (F D, C)  
 Mason v. Wakeman (E)  
 Bilson v. Harris Feb. 13  
 Hemmings v. Spiers (E)

Chambers v. Waters (E)  
 Lord Beresford v. Archbishop of Armagh (F D, C)  
 Foster v. Vernon (F D, C)  
 Johnstone v. Lumb (F D, C)  
 Bott v. Bott  
 Vale v. Sherwood (F D, C)  
 Humphrey v. Kersay Feb. 13  
 Haffenden v. Wood (E)  
 Branscomb v. Branscombe (F D, C)  
 Appleyard v. Owers  
 Myers v. Perigal Feb. 13  
 Conquest v. Lenaghan  
 Broag v. Robinson  
 Wallis v. Sarel  
 Hardwick v. Merriman  
 Bate v. Bate  
 Whitcombe v. Deakins

Before the Vice-Chancellor KNIGHT BRUCE.

## CAUSES, FURTHER DIRECTIONS, AND EXCEPTIONS.

Hobson v. Everett } (Supp. bill)  
 Ditto v. Ferraby } Feb. 13  
 Hobson v. Ditto }  
 Ferraby v. Hobson }  
 Ditto v. Ferraby }  
 Sutherland v. Cooke } (F D, C)  
 Ditto v. Jackson } To fix a day  
 Hulkes v. Hulkes S O  
 Goodwin v. Goswall Feb. 20  
 Watts v. Spottiswoode Feb. 27  
 Attfield v. Williams  
 Law v. Jackson  
 Stewart v. Bushby  
 Dalton v. Lambert  
 Oldknow v. Slater  
 Anthony v. Graham  
 Howells v. Spencer  
 Baker v. Grocer  
 Roebuck v. Habershaw

Hall v. Lack  
 Gillott v. Beakley Feb. 14  
 Say v. Kensit  
 Allen v. Leach  
 Gawen v. Gove  
 Jones v. Jones  
 Thomson v. Thomson (3 caus. F D, C)  
 Plomer v. M'Donough  
 Waddington v. Yates  
 Sainthill v. M'Dowall (F D, C)  
 Burfield v. Davis  
 Kenward v. Henty (F D, C)  
 Garmistone v. Gaunt (F D, C)  
 Newman v. Newman Feb. 14  
 Morson v. Sabb  
 Passingham v. Selby (F D, C)  
 Foster v. Sadler  
 Master v. Lapremendays  
 Burkitt v. Ransom (F D, C)

Causes transferred from the Master of the Rolls, by Order of the Lord Chancellor.

Beavan v. Gibert (E, 2 sets)  
 Grose v. Ewer  
 Attorney-Gen. v. Clark  
 Lambert v. Newark (4 causes, F D, C)  
 Smyth v. Lowndes  
 Sherwood v. Beveridge  
 Bourne v. Brett } (F D, C)  
 Ditto v. Cooksey }  
 Beavan v. Gibert (E)  
 Gee v. Gurney (F D, C)  
 Mann v. Ricketts } (E)  
 Ditto v. Halifax }  
 Day v. Holbrook (E)

Matthie v. Edwards (E)  
 Taylor v. Taylor  
 Robertson v. Towgood (at def't. request)  
 Thorold v. Gylby  
 Forbes v. Leasing  
 Evans v. Jones } (E, F D)  
 Ditto v. Brown }  
 Gilbert v. Schwenck  
 Barker v. Harrison  
 Dunning v. Hards  
 Gardner v. Gardner  
 Hodgkiss v. Hipkiss  
 Chalmers v. Wotmough

Before the Vice-Chancellor WIGRAM.

## CAUSES, FURTHER DIRECTIONS, AND EXCEPTIONS.

Brown v. Whiteway (D)  
 Adie v. Walford }  
 Walford v. Adie }  
 Ditto v. Ditto (Suppl. ca.) }  
 Atkinson v. Boyes (To apply to L. C.)  
 Blay v. Skipworth (F D, C)  
 Jones v. Rose Feb. 16  
 Leek v. Porter  
 Brookes v. Cotes }  
 Howe v. Wilson (2 causes)  
 Hedge v. Jeffries  
 Snelling v. Snelling (2 causes)  
 Oliver v. Oliver  
 Stephens v. Stephens

Paternoster v. Paternoster  
 Jacob v. Short (2 causes)  
 Wolfe v. Granger (2 causes)  
 Wilkin v. Nainby  
 Fuller v. Stevens (F D, C)  
 Att.-Gen. v. Jackson  
 Att.-Gen. v. Healing (3 caus.)  
 White v. Godmond Feb. 14  
 Fenn v. Gooday  
 Walker v. Watkin  
 Butlin v. Masters  
 Brattle v. Dumbrell Feb. 14  
 Robinson v. Purday  
 Lister v. Turner  
 Berwick v. Hallam (F D, C)

*Causes transferred from the Vice-Chancellor of England's List, by Order of the Lord Chancellor.*

Dow v. Bernard (2 causes)	Slater v. Oldknow
Fish v. Palmerston	Hewett v. Sewell
Fenn v. Edmonds	Atkinson v. Parker
Langton v. Langton	Rochfort v. Lambert (3 caus.)
Ditto v. Ditto	Reid v. Holmes
Higgins v. Franks	Att.-Gen. v. Mayor of Exeter
Wallis v. Wallis	Wilde v. Woodyatt
Pawson v. Smith (2 causes)	Att.-Gen. v. Johnson
Gabriel v. Sturgis	Parr v. Bank of England
Shepherd v. Anderson	Christ's Hospital v. Att.-Gen.
Frank v. Waller	Parramore v. Greenslade
Maugham v. Maugham	Baynton v. Manning
Grigg v. Sturgis	Starkey v. Underhill
Freer v. Binney	Chapman v. Cannon
Seward v. Yates	Nicholson v. Smith
Maugham v. Maugham (2 ca.)	Hammond v. Smith
<i>End of Causes transferred.</i>	
Freeman v. Tatham	Bishop v. Wise
Donaldson v. Fairfax (F D, C)	Tilleard v. Pay (F D, C)
	Smith v. Tuelly (F D, C)

**London Gazettes.**

**TUESDAY, FEBRUARY 10.**

**BANKRUPTS.**

**RICHARD ENSOLL**, Broad-street, Bloomsbury, Middlesex, draper, dealer and chapman, Feb. 20 at half-past 11, and March 27 at half-past 12, Court of Bankruptcy, London: Off. Ass. Alsager; Sols. Mardon & Prichard, Christchurch-chambers, Newgate-st.—Fiat dated Feb. 5.

**JOHN THOMAS PASCOE**, High-street, Mile-end Newtown, and Heneage-street, Spitalfields, Middlesex, metal refiner, Feb. 27 at half-past 1, and March 27 at 12, Court of Bankruptcy, London: Off. Ass. Alsager; Sol. Smith, Finsbury-terrace.—Fiat dated Feb. 2.

**THOMAS FRANCIS SAUNDERS**, Burton-upon-Trent, Staffordshire, brewer, Feb. 17 at 11, and March 20 at 2, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Seaman, 12, Pancras-lane, Cheapside.—Fiat dated Feb. 9.

**WILLIAM BURROWS**, Grove-street, Hampstead-road, Middlesex, builder, Feb. 17 and March 18 at 1, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Roberts, 2, Bride-court, Fleet-st.—Fiat dated Feb. 6.

**JOSEPH JOHNS**, Grosvenor-st., Pimlico, Middlesex, cook and confectioner, Feb. 17 and March 18 at half-past 12, Court of Bankruptcy, London: Off. Ass. Johnson.—Fiat dated Feb. 5.

**JAMES BLYTH**, Chelmsford, Essex, grocer and cheese-monger, dealer and chapman, Feb. 16 at half-past 11, and March 21 at 11, Court of Bankruptcy, London: Off. Ass. Follett; Sol. Heath, Nag's Head-court, Gracechurch-street. Fiat dated Feb. 3.

**WALTER SPIERS**, North Audley-st., Oxford-st., Middlesex, printer, dealer and chapman, Feb. 19 at 1, and March 24 at 11, Court of Bankruptcy, London: Off. Ass. Turquand; Sol. Hepburn, Copthall-court.—Fiat dated Feb. 4.

**GEORGE GODDARD**, Leicester, tea dealer and grocer, Feb. 19 at 12, and March 24 at half-past 11, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Hill & Mathews, St. Mary Axe.—Fiat dated Feb. 3.

**SAMUEL PURSELL**, Strand, Middlesex, ironmonger, dealer and chapman, Feb. 20 at 2, and March 20 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Hughes, Bedford-st., Covent-garden.—Fiat dated Feb. 7.

**COOPER EWBANK**, Manchester, share broker, dealer and chapman, Feb. 21 and March 19 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Binney, Manchester; Capes & Co., Gray's Inn.—Fiat dated Feb. 5.

**WILLIAM JAMES DUNSFORD**, Bristol, surgeon and apothecary, Feb. 24 and March 24 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sol. Smith, Bristol.—Fiat dated Feb. 5.

**RICHARD ALLERTON**, Bootle-cum-Linacre, Lancashire, wheelwright, dealer and chapman, Feb. 27 and March 24 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sols. Bradley, Liverpool; Walker, Farnival's Inn, London.—Fiat dated Feb. 6.

**STEPHEN BRETTON and THOMAS TUNWELL**, Charlottestreet, Fitzroy-sq., Middlesex, upholsterers, dealers and chapmen, Feb. 17 at half-past 1, and March 20 at half-past 12, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Reed & Langford, Friday-st., Cheapside.—Fiat dated Feb. 4.

**GEORGE CODRINGTON NICHOLLS**, Upton, Cheshire, commission merchant, forwarding agent, and general merchant, Feb. 20 and March 13 at half-past 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Brown, Liverpool; Wilkins, Farnival's Inn.—Fiat dated Jan. 29.

**JOSEPH MELLANBY**, Hartlepool, Durham, broker and coal fitter, dealer and chapman, Feb. 20 at 12, and March 24 at 2, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Wawn, Stockton-on-Tees; Harle, Newcastle-upon-Tyne; Wright, 8, New Inn, Strand.—Fiat dated Jan. 28.

**WILLIAM BEYNON**, Birmingham, button, cabinet, brass and gilt toy manufacturer, metal roller, and manufacturing chemist, Feb. 24 at 12, and March 24 at half-past 11, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sol. James, Birmingham.—Fiat dated Jan. 29.

**MEETINGS.**

*Wm. W. Yeld and Wm. B. Dawes*, Rugeley, Staffordshire, brewers, Feb. 26 at 1, District Court of Bankruptcy, Birmingham, ch. ass.—*Hen. Rowbotham and Robert J. Kenworthy*, Brinksway, near Stockport, Cheshire, and Manchester, calico printers, Feb. 18 at 11, District Court of Bankruptcy, Manchester, last ex.—*Isaac Blackburn*, Minorities, and Northumberland-alley, Fenchurch-street, London, engineer, March 3 at 12, Court of Bankruptcy, London, aud. ac.—*Thos. Ratnett*, Cambridge, tailor, March 4 at 11, Court of Bankruptcy, London, aud. ac. and div.—*Benj. Jones*, City-road, Middlesex, draper, March 3 at half-past 2, Court of Bankruptcy, London, aud. ac.—*Moss David*, Paternoster-row, London, fishmonger, March 3 at 11, Court of Bankruptcy, London, aud. ac.—*Lucy Lang and Ann B. Smith*, Charterhouse-square, Charterhouse-st., Middlesex, private boarding-house keepers, March 4 at 1, Court of Bankruptcy, London, aud. ac.—*Sam. Phillips*, Kingston-upon-Hull, hatter, March 6 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*Wm. Senior*, Sheffield, Yorkshire, hosier, March 6 at 11, District Court of Bankruptcy, Leeds, aud. ac.; March 9 at 11, div.—*John Burton*, Levenshulme, Lancashire, victualler, March 5 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*Hen. C. M. Dyer*, Manchester, and New Broad-st., London, merchant, March 5 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*John M. Knott*, Aston-nigh-Birmingham, Warwickshire, wholesale stationer, March 2 at 11, District Court of Bankruptcy, Birmingham, aud. ac.—*Eliz. Glover*, Shelton, Stoke-upon-Trent, Staffordshire, publican, March 2 at 11, District Court of Bankruptcy, Birmingham, aud. ac.—*Joe. Gould*, Sheen, Staffordshire, cheese factor, March 2 at 11, District Court of Bankruptcy, Birmingham, aud. ac. and div.—*John Yates*, Guernsey, and York-road, Lambeth, Surrey, shipowner, March 3 at 1, Court of Bankruptcy, London, div.—*John Mortimer*, Adelaide-street, West Strand, Middlesex, bookseller, March 4 at half-past 1, Court of Bankruptcy, London, div.—*W. Williams*, High-st., St. Giles's, Middlesex, victualler, March 4 at 1, Court of Bankruptcy, London, div.—*James Mabbs* the younger, Chichester, Sussex, baker, March 4 at half-past 12, Court of Bankruptcy, London, div.—*Joseph Moore*, Tamworth, Warwickshire, draper, March 4 at 12, Court of Bankruptcy, London, div.—*Ch. Tapp*, Wigmore-st., St. Mary-le-bone, Middlesex, coach maker, March 4 at half-past 11, Court of Bankruptcy, London, div.—*Wm. Henry Blackmore*, Dean-street, Soho-square, Middlesex, plumber, March 4 at 2, Court of Bankruptcy, London, div.—*John Smith*, Liverpool, licensed victualler, March 3 at half-past 11, District Court of Bankruptcy, Liverpool, div.—*John Burton*, Levenshulme, Lancashire, victualler, March 6 at 12, District Court of Bankruptcy, Manchester, first and fin. div.—*Betty Thorniley*, Broadbottom, Mottram in Longendale, Cheshire, grocer, March 3 at 12, District Court of Bankruptcy, Manchester, fin. div.—*John Dyson*, Abby Dale Works, Sheffield, Yorkshire, scythe manufacturer, March 5 at 11, District Court of Bankruptcy, Leeds, div.—*James Crick*, Sheffield, Yorkshire, maltster, March 5 at 11, District Court of Bankruptcy, Leeds, div.—*Geo. Holdsworth*, Northowram, Halifax, Yorkshire, worsted spinner, March 5 at 11, District Court of Bankruptcy, Leeds, div.—*John King*,



Kingston-upon-Hull, mercer, March 5 at 11, District Court of Bankruptcy, Leeds, div.—*Wm. Ibbotson*, Sheffield, Yorkshire, merchant, March 5 at 11, District Court of Bankruptcy, Leeds, div.

## CERTIFICATES.

To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.

*Benj. Jones*, City-road, Middlesex, draper, March 3 at half-past 2, Court of Bankruptcy, London.—*John Elliott*, Pavement, Finsbury, London, surgeon, March 5 at 1, Court of Bankruptcy, London.—*Wm. Rob. Edwards*, London-road, Surrey, linen draper, March 3 at half-past 11, Court of Bankruptcy, London.—*Wm. Farryon*, Farringdon-street, London, licensed victualler, March 5 at 11, Court of Bankruptcy, London.—*Wm. Henry Blackmore*, Dean-st., Soho-square, Middlesex, plumber, March 4 at 2, Court of Bankruptcy, London.—*J. Evans*, High-st., Shoreditch, Middlesex, cheesemonger, March 4 at half-past 12, Court of Bankruptcy, London.—*Ed. Speller*, Berners-st., Oxford-st., Middlesex, tea dealer, March 3 at half-past 12, Court of Bankruptcy, London.—*Chas. Wynn Davies*, Holborn, Middlesex, upholsterer, March 3 at half-past 12, Court of Bankruptcy, London.—*Sarah Caroline Fry*, widow, Margate, Kent, stationer, March 3 at half-past 1, Court of Bankruptcy, London.—*Jas. Meek*, Ruardean, Gloucestershire, coal proprietor, March 5 at 11, District Court of Bankruptcy, Bristol.—*Edwd. Wookey* and *Francis Hares*, Bristol, drapers, March 12 at 11, District Court of Bankruptcy, Bristol.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before March 3.

*Geo. Atkins*, Liverpool, brewer.—*Thos. Rollings*, Ingram-court, Fenchurch-st., London, wine merchant.—*John Gadd*, High-st., Camden-town, Middlesex, baker.

## PARTNERSHIPS DISSOLVED.

*Hewitt Galloway* and *Ed. Cleathing Bell*, Kingston-upon-Hall, attorneys at law.—*John Richards* the younger and *Thos. Rogers* the younger, Reading, Berke, attorneys and solicitors.

## SCOTCH SEQUESTRATIONS.

*Peter Primrose*, Glasgow, flour merchant.—*Alex. Hastings* and *John Howie Paterson*, Glasgow, corn merchant.

## DECLARATION OF INSOLVENCY.

*G. Bickley*, Norwood-villa, Croydon, Surrey, attorney at law.

## INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

*Wm. Sims*, Upper Basildon, Berkshire, shopkeeper, Feb. 16 at 12, Court of Bankruptcy, London.—*John Allensby*, Ely, Cambridgeshire, wheelwright, Feb. 16 at 12, Court of Bankruptcy, London.—*Robert Hall*, Queen street, Chelsea, Middlesex, brewer, Feb. 16 at 11, Court of Bankruptcy, London.—*Sam. Jas. Townsend*, Kirby-st., Hatton-garden, Middlesex, working jeweller, Feb. 16 at 11, Court of Bankruptcy, London.—*John Sly*, Bawdeswell, near Reepham, Norfolk, confectioner, Feb. 16 at 12, Court of Bankruptcy, London.—*Wm. Nelson Blackman Harman*, Virginia-terrace, Dover-rd., Surrey, general dealer in jewellery, Feb. 16 at 11, Court of Bankruptcy, London.—*Lion Ben*, Pembroke Dock, Pembroke-shire, silversmith, March 6 at 11, District Court of Bankruptcy, Bristol.—*John Lewis*, Newport, Monmouth-shire, butcher, March 2 at 11, District Court of Bankruptcy, Bristol.—*Henry Davenport*, Liverpool, tailor, Feb. 17 at 11, District Court of Bankruptcy, Liverpool.—*Wm. Wapshaw*, Liverpool, plasterer, Feb. 20 at 11, District Court of Bankruptcy, Liverpool.—*Thos. Louthian*, Liverpool, butcher, Feb. 20 at 12, District Court of Bankruptcy, Liverpool.—*Thomas Baggins*, Aldridge, Staffordshire, farmer, Feb. 18 at half-past 10, District Court of Bankruptcy, Birmingham.—*J. Bullows*, Shrewsbury, Shropshire, gardener, Feb. 17 at 11, District Court of Bankruptcy, Birmingham.—*Jos. Pye* the younger, Preston, Lancashire, slater, Feb. 21 at 12, District Court of Bankruptcy, Manchester.

Saturday, Feb. 7.

The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.

*Wm. Davies*, Land of Promise, Hoxton Old-town, Middlesex, house agent, No. 57,805 T.; *William Henry Smith*, assignee.—*James Phineas Davis*, Chiswick-lodge, Chiswick,

Middlesex, attorney at law, No. 57,900 T.; *James Gibbons*, assignee.—*John Thorburn*, Stamford-street, Blackfriars-road, Surrey, bookbinder, No. 57,907 T.; *Alexander Hart Eadie*, assignee.—*John Drueguer*, Strand, Middlesex, assistant to a tobacconist, No. 57,908 T.; *Thomas Clark*, assignee.—*Thos. Rabett*, Little Pulteney-street, Golden-square, Middlesex, furniture broker, No. 57,917 T.; *Godfrey Bingley Wadsworth*, assignee.—*Wm. Hobby*, Lyonshall, Herefordshire, farmer, No. 66,947 C.; *John Ruell*, assignee.—*Henry Lacey*, Liverpool, stationer, No. 67,170 C.; *W. F. Roch*, *James Reeves*, and *William Furness*, assignees.

Saturday, Feb. 7.

Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—  
(On their own Petitions).

*Thos. William Pretty*, Chapel-street, Somers'-town, Middlesex, assistant to a grocer: in the Debtors Prison for London and Middlesex.—*Wm. Rode Saunders*, Marlborough-place, Kennington-cross, Surrey, professor of music: in the Debtors Prison for London and Middlesex.—*Henry Nathaniel Chapman*, Grove-cottage, Kentish-town, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*M. N. Chapman*, Elizabeth-street, Waltham-common, Surrey, out of employ: in the Queen's Prison.—*Alex. Carroll* the younger, Stamford-street, Blackfriars-road, Surrey, gentleman: in the Queen's Prison.—*Joseph Nocera* the younger, Portland-place, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Daniel Robert Law*, Upper John-street, White Horse-lane, Mile-end Old-town, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*James Woodford*, Rose and Crown-yard, King-street, St. James's, Middlesex, carpenter: in the Debtors Prison for London and Middlesex.—*James Bristow*, Wardour-st., Soho, Middlesex, cowkeeper: in the Debtors Prison for London and Middlesex.—*C. G. Dore*, Southgate, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Wm. Owen Ryall*, East-street, Lamb's Conduit-street, Middlesex, tailor: in the Queen's Prison.—*Thos. Bentley*, Leeds, Yorkshire, out of business: in the Gaol of York.—*S. Alcock*, Manchester, shoemaker: in the Gaol of Lancaster.—*Elizabeth Standfield*, Manchester, butcher: in the Gaol of Lancaster.—*Lawrence Fitzsimmons*, Manchester, stonemason: in the Gaol of Lancaster.—*G. W. Archbold*, Liverpool, master mariner: in the Gaol of Lancaster.—*Sidney Hellewell*, Hulme, Manchester, dyer: in the Gaol of Lancaster.—*Ralph Pearson*, Chorley, Lancashire, grocer: in the Gaol of Lancaster.—*George Brooke*, Plumley, Eckington, near Chesterfield, Derbyshire, farmer: in the Gaol of Lancaster.—*Wm. Hall*, Primrose-hill, and Waterhead-mill, near Oldham, Lancashire, wheelwright: in the Gaol of Lancaster.—*R. Moorhouse*, Height-side, near Padiham, Lancashire, cattle dealer: in the Gaol of Lancaster.—*Wm. L. Lowe*, Salford, Lancashire, out of business: in the Gaol of Lancaster.—*T. Hale*, Standish, near Wigan, Lancashire, collier: in the Gaol of Lancaster.—*Septimus Dobson*, Chorlton-upon-Medlock, Manchester, out of business: in the Gaol of Lancaster.—*William Barlow*, Coldhurst, Oldham, Lancashire, out of business: in the Gaol of Lancaster.—*Humphrey Dyson*, Manchester, provision shopkeeper: in the Gaol of Lancaster.—*John James*, St. Agnes, Cornwall, tailor: in the Gaol of Bodmin.—*David Jones*, Abergele, Denbighshire, joiner: in the Gaol of Ruthin.—*J. Harris*, Manchester, brick maker: in the Gaol of Lancaster.

The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Tuesday, Feb. 24, at 9.

*John Bennett*, Cuthbert-street, Hall-park, Paddington, Middlesex, potman.—*Joseph Herring*, Peter-street, Clerkenwell, Middlesex, gingerbread baker.—*A. A. Harrison*, St. Mark's-row, Camberwell New-road, Surrey, carpenter.—*J. I. Combes*, Batterland-street, Pitfield-street, Hoxton, Middlesex, clerk.—*John Regan*, Westminster-bridge-road, Surrey, tobacconist.

Court-house, WORCESTER, (County), Feb. 21, at 10.

*Rob. Gardner*, Great Malvern, boot maker.—*Noah Bough*, Bosbury, Herefordshire, out of business.—*Henry Deakins*, Earl's Croome, near Upton-upon-Severn, farmer.—*William Green*, Mathon, out of business.—*Thomas Howse*, Worcester, out of business.

Court-house, IPSWICH, Suffolk, Feb. 23, at 10.

*Robert Taylor*, Norwich, out of employment.—*Wm. Cook*, Edwardstone, near Bosford, out of employment.—*Th. Trew*,

Ipswich, out of employment.—*Samuel Collis*, Walton, near Felixstow, out of business.

*Court-house, DURHAM, (County), Feb. 23, at 10.*

*John Stout*, Durham, confectioner.—*Robert H. M'George*, Durham, tea dealer.—*Dav. Burnett*, Northgate, Hartlepool, publican.—*Abraham Emmott*, Gateshead, assistant to a straw bonnet manufacturer.—*Geo. L. Fos*, Sunderland near the Sea, grocer.—*Hen. Henley*, Durham, out of business.

*Court-house, NEWCASTLE-UPON-TYNE, Northumberland, Feb. 25 at 10.*

*Philip Solomon*, Newcastle-upon-Tyne, general hardwareman.—*Jos. Richardson*, Whickham, near Gateshead, agent.—*Wm. Joyce*, Newcastle-upon-Tyne, warehouseman.—*Jas. Glendinning* the younger, Newcastle-upon-Tyne, attorney's clerk.—*Thomas Doubleday*, Rye-hill, out of business.

*Court-house, DOVER, Kent, Feb. 26 at 10.*

*Benjamin Norris*, Ramsgate, tailor.—*John Casper Mais*, Dover, out of business.—*Henry Thomas Prebble*, Ramsgate, tea agent.—*Richard Marsh* the younger, Dover, out of business.—*John Norwood*, Dover, licensed victualler.

*Court-house, NORWICH, Norfolk, Feb. 26 at 10.*

*Robert Stringer*, Great Yarmouth, ale merchant.—*Fred. Tillet*, Harleston, cabinet maker.—*Stephen Gant*, East Rudham, out of business.—*John Hague*, St. Michael at Thorn, gig maker.

*Court-house, YARMOUTH, Norfolk, Feb. 25 at 10.*

*J. B. Ransome*, Rollesby, out of business.

**INSOLVENT DEBTOR'S DIVIDEND.**

*Charles Hibble*, Bridges-street, Strand, at Groves's, jun., 25, Charlotte-street, Bedford-square : 2s. 3d. in the pound.

**MEETINGS.**

*William Bassett*, Darran y Pistill, Lanwanno, Glamorgan-shire, husbandman, Feb. 25 at 12, New Inn, Newbridge, sp. affairs.—*Henay Morgan*, Gosport, Hampshire, pork butcher, Feb. 25 at 12, India Arms Inn, Gosport, sp. affairs.

**FRIDAY, FEBRUARY 13.**

**BANKRUPTS.**

**JAMES YOUNG**, Salford, Essex, ship owner and coal merchant, Feb. 20 at half-past 12, and March 27 at half-past 1, Court of Bankruptcy, London: Off. Ass. Alsager; Sol. Marriott, New Inn.—Fiat dated Feb. 11.

**WILLIAM CHESOR**, Commercial-road, Stepney, Middlesex, cooper, dealer and chapman, Feb. 20 at 2, and March 27 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Brown & Co., 35, Commercial Sale-rooms, Mincing-lane.—Fiat dated Feb. 10.

**WILLIAM SIBSON ALDERTON**, Chancery-lane, London, steel pen manufacturer, percussion cap maker, and fancy stationer, dealer and chapman, Feb. 24 at half-past 11, and March 24 at 12, Court of Bankruptcy, London: Off. Ass. Belcher; Sols. Haywood & Co., Birmingham; Mayhew & Son, 26, Carey-st.—Fiat dated Feb. 11.

**ROBERT KENT**, Elstree, Aldenham, Hertfordshire, licensed victualler, dealer and chapman, Feb. 24 at 2, and March 24 at 11, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Lloyd, Milk-st., Cheapside.—Fiat dated Feb. 9.

**GEORGE PRENTICE**, Tollebury, Essex, fishmonger, dealer and chapman, Feb. 24 at half-past 2, and March 24 at 12, Court of Bankruptcy, London: Off. Ass. Groom; Sol. Compigne, 24, Bucklersbury.—Fiat dated Feb. 5.

**THOMAS REYNOLDS**, Cow Cross-street, Sepulchre, Middlesex, cheesemonger, dealer and chapman, Feb. 24 at 1, and March 24 at 12, Court of Bankruptcy, London: Off. Ass. Turquand; Sol. Turner, Mount-place, Whitechapel-road.—Fiat dated Feb. 10.

**RICHARD WIDEN CRONK**, Seal, Kent, grocer and draper, Feb. 20 at 11, and March 21 at half-past 11, Court of Bankruptcy, London: Off. Ass. Green; Sols. Carnell, Sevenoaks; Waterman & Co., Essex-street, Strand.—Fiat dated Feb. 6.

**FREDERICK JONES**, Canterbury, Kent, wine and spirit merchant, Feb. 26 at 1, and March 28 at 11, Court of Bankruptcy, London: Off. Ass. Follett; Sols. Lawrance & Pews, Bucklersbury.—Fiat dated Feb. 9.

**CHARLES OSWALD ROBSON**, Finsbury-st., Finsbury-square, Middlesex, plasterer and builder, Feb. 20 at 11, and March 28 at 12, Court of Bankruptcy, London: Off. Ass. Green; Sols. Reed & Langford, Friday-st., Cheapside.—Fiat dated Nov. 20.

**CHARLES JAMES BAKER** and **EDWARD JAMES EASTWOOD**, London, warehousemen, dealers and chapmen, Feb. 20 at half-past 1, and March 27 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Sale & Co., Manchester; Reed & Langford, Friday-street, Cheapside.—Fiat dated Feb. 7.

**ROBERT LAMBERT**, Liverpool, manufacturing chemist, dealer and chapman, Feb. 27 and March 24 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Fletcher & Hull, Liverpool; Cotterill, Throgmorton-street, London.—Fiat dated Feb. 6.

**JOHN ROSS** and **ENOCH BURTON**, Newcastle-upon-Tyne, flour dealers and bacon merchants, dealers in patent medicines, and commission agents, dealers and chapmen, Feb. 23 at 11, and April 7 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Wakley; Sols. Story, Newcastle-upon-Tyne; Plumtre, Temple, London.—Fiat dated Feb. 7.

**HENRY MOORE NAYLOR**, Birmingham, haberdasher, dealer and chapman, Feb. 26 and March 18 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Heywood & Webb, Birmingham; Mayhew & Son, Carey-st., Lincoln's Inn, London.—Fiat dated Feb. 5.

**GILBERT BROWN**, Shiffnall, Shropshire, banker, money scrivener, share broker, dealer and chapman, Feb. 26 and March 21 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Hodgson, Birmingham; Vincent & Co., Temple, London.—Fiat dated Feb. 9.

**RICHARD LEWIS**, Wootton-under-Edge, Gloucestershire, woollen manufacturer, dealer and chapman, March 5 and 30 at 12, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sols. Timbrell & Merrick, Bradford, Wiltshire; Jones & Blaxland, Crosby-sq., London.—Fiat dated Feb. 4.

**WILLIAM BRADLEY**, Leeds, Yorkshire, flax spinner, Feb. 24 and March 16 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Kynaston; Sols. Ward & Son, Leeds; Robinson & Co., Essex-st., London.—Fiat dated Feb. 6.

**WILLIAM HOLDSWORTH**, Adwalton, Birstal, Yorkshire, corn millers, dealers and chapmen, Feb. 24 and March 17 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sols. Foster, Bradford; Cariss, Leeds; Nether-sole, New Inn, London.—Fiat dated Feb. 7.

**MEETINGS.**

*Jacob Montefiore* and *Joseph Barrow Montefiore*, Nicholas-lane, London, merchants, Feb. 26 at 11, Court of Bankruptcy, London, pr. d. *Jos. Montefiore*.—*Sam. Churchill*, Dodington, Oxfordshire, scrivener, Feb. 26 at half-past 12, Court of Bankruptcy, London, pr. d.—*Wilson Wood* and *J. Holmes*, Maidstone, Kent, tea dealers, Feb. 26 at half-past 12, Court of Bankruptcy, London, pr. d.—*Francis Jackson*, Mary-le-bone-st., Golden-square, Middlesex, licensed victualler, March 9 at half-past 11, Court of Bankruptcy, London, and. ac.—*John Peters*, Haggerstone, Middlesex, fancy trimming manufacturer, March 5 at 12, Court of Bankruptcy, London, and. ac.—*Sam. Hurd*, Rochester, Kent, dealer in china, March 5 at 12, Court of Bankruptcy, London, and. ac.—*Joseph Lankshear*, Seymour-row, Little Chelsea, Middlesex, surgeon, March 11 at half-past 2, Court of Bankruptcy, London, and. ac.—*Felix Herpent*, Sherrard-st., Golden-square, Middlesex, warehouseman, March 11 at half-past 1, Court of Bankruptcy, London, and. ac.—*Wm. Ward*, Belton, Rutland, farmer, March 6 at 11, Court of Bankruptcy, London, and. ac.—*R. Welsh* and *Geo. Welsh*, Liverpool, brokers, March 6 at 11, District Court of Bankruptcy, Liverpool, and. ac.—*William Haskayne*, Liverpool, ship chandler, March 6 at 11, District Court of Bankruptcy, Liverpool, and. ac.; March 10 at 12, div.—*Rich. Greenhow*, Wrexham, Denbighshire, iron master, March 6 at 12, District Court of Bankruptcy, Liverpool, and. ac.—*Hen. Lacey*, Liverpool, bookseller, March 10 at 11, District Court of Bankruptcy, Liverpool, and. ac.; March 13 at 11, div.—*Hugh Panton*, Thos. Wm. Panton, Geo. Forster, and *J. Wilberforce Morley*, Sunderland, Durham, iron manufacturers, March 10 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac. joint est. and sep. est. *Hugh Panton*; March 13 at 11, div. joint est.—*Wm. Barrett Bridick*, Durham, dealer in iron, March 10 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac.—*Geo. Robert Gilton*, Bridgnorth, Shropshire, printer, March 7 at 11, District Court of Bankruptcy, Birmingham, and. ac.—*William Soffe*, Strand, Middlesex, printseller, March 7 at 12, Court of Bankruptcy, London, div.—*Hen. Kohne*, Laurence Pountney-

lme, London, and Dorechester-place, New North-road, Middlesex, wholesale stay manufacturer, March 7 at 11, Court of Bankruptcy, London, div.—*Mich. Wrate* the younger, Canterbury, bricklayer, March 7 at half-past 11, Court of Bankruptcy, London, div.—*Jos. Glass*, White Hart-st., Drury-lane, Middlesex, victualler, March 6 at half-past 1, Court of Bankruptcy, London, div.—*Chas. Allen*, Tadley, Southampton, maltster, Feb. 27 at half-past 12, Court of Bankruptcy, London, div.—*Allen Hurrell*, Park-place, St. John's-wood, Middlesex, wine merchant, March 7 at 11, Court of Bankruptcy, London, div.—*J. Harrison Curtis*, Soho-square, Middlesex, bookseller, March 6 at half-past 11, Court of Bankruptcy, London, div.—*Lewis J. Nicolay*, St. George's-fields, Woolwich, Kent, draper, March 6 at 1, Court of Bankruptcy, London, div.—*Christ. Wakefield*, Hampton-wick, Middlesex, licensed victualler, March 6 at 2, Court of Bankruptcy, London, div.—*Wm. Alex. Christian*, Newcastle-st., Strand, Middlesex, innkeeper, March 6 at 11, Court of Bankruptcy, London, div.—*Hen. Decimus Walker*, Eaton Socon, Bedfordshire, innkeeper, March 6 at half-past 12, Court of Bankruptcy, London, div.—*Chas. Samuel Evans*, Cornhill, London, and Westeroft-place, Hammersmith, Middlesex, master mariner, March 6 at 12, Court of Bankruptcy, London, div.—*Isaac Blackburn*, Minorities, and Northumberland-alley, Fenchurch-st., London, engineer, March 10 at 11, Court of Bankruptcy, London, div.—*T. Harvey Forrester*, Threadneedle-street, London, Russia broker, March 6 at 2, Court of Bankruptcy, London, div.—*Benj. Jones*, City-road, Middlesex, draper, March 10 at 1, Court of Bankruptcy, London, div.—*William Henry Alexander* and *Chas. Bolton Richards*, Upper Clifton-street, Finsbury, Middlesex, hard-waresmen, March 6 at 2, Court of Bankruptcy, London, fin. div. sep. est. *Wm. Hen. Alexander*.—*Hugh Cunningham*, Strand, Middlesex, bookseller, March 11 at 1, Court of Bankruptcy, London, div.—*Hen. Hickman*, Dudley, Worcestershire, druggist, March 7 at 11, District Court of Bankruptcy, Birmingham, fin. div.—*Wm. Cae*, Wombourn, Staffordshire, miller, March 6 at 11, District Court of Bankruptcy, Birmingham, and. ac.

## CERTIFICATES.

To be allowed, unless Cause be shewn to the contrary on the Day of Meeting.

*Thos. Nelson Deaton Howard*, Adelaide Hotel, London-bridge, London, merchant, March 6 at half-past 11, Court of Bankruptcy, London.—*Jas. Rayner*, Rougham, Norfolk, licensed victualler, March 6 at half-past 1, Court of Bankruptcy, London.—*Eliz. Rolph* and *Thos. Rolph*, Sheperd's-court, Upper Brook-street, Grosvenor-square, Middlesex, builders, March 6 at 2, Court of Bankruptcy, London.—*Wm. Ward*, Belton, Rutland, farmer, March 6 at 11, Court of Bankruptcy, London.—*Wm. Senior*, Sheffield, Yorkshire, hosier, March 9 at 11, District Court of Bankruptcy, Leeds.—*Esther Smith*, Southwell, Nottinghamshire, innkeeper, March 6 at half-past 10, District Court of Bankruptcy, Birmingham.—*Ch. Barber*, Denham Springs, Brindle, near Chorley, Lancashire, calico printer, March 10 at 12, District Court of Bankruptcy, Manchester.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before March 6.

*Jas. Filbey*, Egham, Surrey, licensed victualler.—*William Ockleston*, Liverpool, hide merchant.—*Michael S. Keyworth*, Manchester, common brewer.—*James Hulme*, Manchester, paper dealer.—*George Howes*, Milton next Gravesend, Kent, tavern keeper.—*Mark Cooke*, Denton, Manchester, joiner.—*G. Payne*, King-st., Covent-gdn., Middlesex, tailor.—*Sophia Barton* and *John Barton*, Kingston-upon-Hull, chemists.

## SCOTCH SEQUESTRATIONS.

*Robert Park & Co.*, Glasgow, spirit dealers.—*David Auld*, Port Glasgow, merchant.—*John Christie*, Glasgow, builder.—*Alex. Wilson & Sons*, Edinburgh, letter founders.—*James Doe*, Edinburgh, boot maker.

## INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

*George Hunter*, Hans-place, Chelsea, Middlesex, clerk, March 6 at 11, Court of Bankruptcy, London.—*William McMillan*, Lambeth-road, Southwark, Surrey, carpenter, Feb. 16 at half-past 1, Court of Bankruptcy, London.—*Richard George Ward*, Uxbridge, Middlesex, hair dresser, Feb. 16 at

2, Court of Bankruptcy, London.—*Angelo Bauchini*, Shoe-lane, London, dealer in coals, Feb. 16 at 1, Court of Bankruptcy, London.—*Wm. Walton*, Grove-cottage, Clarence-road, Clapton, Middlesex, bricklayer, Feb. 16 at 1, Court of Bankruptcy, London.—*Charles Lister*, Piccadilly, Middlesex, out of business, Feb. 16 at 1, Court of Bankruptcy, London.—*Joseph Corbyn*, Greenwich, Kent, commander in the royal navy, March 6 at 1, Court of Bankruptcy, London.—*Wm. Addison*, Storey-street, Sidney-street, Commercial-road East, Middlesex, out of business, March 6 at 11, Court of Bankruptcy, London.—*Edward Johnson*, Great Queen-st., Lincoln's-inn-fields, Middlesex, vocalist, Feb. 26 at 11, Court of Bankruptcy, London.—*Jeremiah Catton*, Vine-street, Hatton-garden, Middlesex, patten maker, Feb. 26 at 11, Court of Bankruptcy, London.—*Edward Parker*, Gillingham, Kent, out of business, Feb. 27 at 12, Court of Bankruptcy, London.—*James Lewis*, Grove-terrace, Queen's-rd., Bayswater, Middlesex, milkman, Feb. 27 at 11, Court of Bankruptcy, London.—*Fred. Barnard*, Lower Serle's-place, St. Clement Danes, Middlesex, law writer, Feb. 27 at 11, Court of Bankruptcy, London.—*Jos. S. Moody*, St. James's-square, Middlesex, porter, Feb. 21 at 3, Court of Bankruptcy, London.—*Rev. Henry John Hopkins*, Winchester, Hampshire, clerk, Feb. 25 at 11, Court of Bankruptcy, London.—*Charles Scott*, Kingsland-road, St. Leonard's, Shoreditch, Middlesex, cheesemonger, Feb. 25 at half-past 11, Court of Bankruptcy, London.—*Charles Wm. Deister*, Duke-street, West Smithfield, London, brace maker, Feb. 23 at 11, Court of Bankruptcy, London.—*Wm. H. Winmill*, Stratford, Essex, corn dealer, Feb. 23 at 11, Court of Bankruptcy, London.—*Thomas Wilkinson Tisdell*, Eastchesp, City, licensed victualler, Feb. 23 at 11, Court of Bankruptcy, London.—*E. Ede*, Brighton, Sussex, stay maker, Feb. 23 at half-past 11, Court of Bankruptcy, London.—*Peter Nellist*, Bishop Middleham, Durham, publican, March 13 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Robert Williams*, Liverpool, clerk to a glass merchant, Feb. 20 at 11, District Court of Bankruptcy, Liverpool.—*Charles Woodhouse*, Adwick-le-street, Yorkshire, tailor, Feb. 17 at 11, District Court of Bankruptcy, Leeds.—*Daniel Rogers*, Leeds, Yorkshire, woollen printer, Feb. 17 at 11, District Court of Bankruptcy, Leeds.—*Wm. Corbett*, Halesowen, Worcestershire, shingler, Feb. 26 at 11, District Court of Bankruptcy, Birmingham.—*Geo. Harris*, Halesowen, Worcestershire, carpenter, Feb. 26 at half-past 10, District Court of Bankruptcy, Birmingham.—*Wm. Pardee*, Halesowen, Worcestershire, nail warehouseman, Feb. 26 at 11, District Court of Bankruptcy, Birmingham.—*Heber Franklin*, Halesowen, Worcestershire, nailer, Feb. 26 at half-past 10, District Court of Bankruptcy, Birmingham.—*Wm. Elias Bressley*, Nottingham, butcher, Feb. 24 at 11, District Court of Bankruptcy, Birmingham.

Wednesday, Feb. 11.

Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—

(On their own Petitions).

*George Thos. Elgie*, Astey's-row, Lower-road, Islington, Middlesex, and Bucklersbury, London, attorney: in the Debtors Prison for London and Middlesex.—*Edward Simons*, North-street, Edgeware-road, Middlesex, not in any trade: in the Debtors Prison for London and Middlesex.—*Wm. Spencer*, Compton-street, Brunswick-square, Middlesex, corn chandler: in the Debtors Prison for London and Middlesex.—*Thomas Higgins*, High-street, Battersea, Surrey, out of business: in the Queen's Prison.—*John Keating*, Warwick-street, Golden-square, Middlesex, tailor: in the Debtors Prison for London and Middlesex.—*James Williams*, St. Mary-street, Woolwich, Kent, carpenter: in the Queen's Prison.—*Jas. Cobb*, Sidney-street, Alfred-place, Whitechapel-road, Middlesex, dealer in horses: in the Debtors Prison for London and Middlesex.—*R. Sewell*, Buckland, near Dover, Kent, plumber: in the Gaol of Maidstone.—*Wm. F. Scudamore*, Brighton, Sussex, out of business: in the Gaol of Lewes.—*C. Savage* the younger, Fratton, Portsea, Hampshire, carpenter: in the Gaol of Winchester.—*Wm. H. Dale*, Bridlington, Yorkshire, out of business: in the Gaol of York.—*E. Johnson*, Bilston, Staffordshire, miner: in the Gaol of Stafford.

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# The Jurist

No. 476—VOL. X. FEBRUARY 21, 1846. Price 1s., with Supplement, 2s.

\* \* The following are the Names of the Gentlemen who favour THE JURIST with Reports of Cases argued and decided in the several Courts of Law and Equity:—

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LONDON, FEBRUARY 21, 1846.

THE criminal law of this country is so much the subject of legislative enactment, is so fenced about with positive rules and statutes, and has in it comparatively so little of what we are accustomed to call judge-made-law, that the following statement respecting the criminal law of our neighbours north of the Tweed presents to our minds a striking contrast. In an able article in the Edinburgh Review on Scottish Criminal Jurisprudence and Procedure, the writer remarks, "Suppose a person were to ask this question, 'What part of Europe is it where a court of law claims, and, in virtue of its own decision, actually exercises the power of declaring any action that it thinks proper to be a crime; and of applying whatever punishment it deems expedient to the new offences thus judicially introduced?' Would he not be considered a conceited fellow, who was stating a conundrum, to which he knew that, in the plain meaning of the words, there was no answer? But, unfortunately, there is an answer. The place is Scotland; and the court is the supreme criminal court of this wise old country." The court of judiciary in Scotland exercises the function of introducing, for the first time, *totally new* offences; that is, of declaring acts never existing, or never objected to before, as criminal, to be new crimes. And the court claims this power not in virtue of any statute, but solely under what has been termed "*its own inherent authority*." In evidence of this the reviewer quotes the following passage from Hume's Commentaries on the Law of Scotland respecting Crimes:—"Another point, in which the custom of the two countries remarkably differs, is, with respect to the punishment of new crimes, or modes of transgression. It seems to be held in England, that no court has power to take cognisance of any new offence, although highly pernicious, and ap-

proaching very nearly to others which have been prohibited, until some statute has declared it to be a crime, and assigned a punishment. With us the maxim is *directly the reverse*; our supreme court have an *inherent power as such competently to punish every act which is obviously of a criminal nature, though it be such which, in time past, has never been the subject of prosecution.*" (Introd.) "This," observes the reviewer, "he gives as the general principle; and then, in the body of his work, he illustrates it by examples. Speaking of the competency of transporting for sedition, he says, 'Even where a crime is *entirely new*, and has *never been the subject of trial*, still our judges have the undoubted power, and are in the use, of applying such a remedy to it, not excepting transportation, as the nature and degree of the evil *seem to require*.' (Vol. 1, p. 358, edit: 1819). Again, speaking of the English statutes against threatening letters, he observes, 'The truth is, that we have little reason to regret the want of these statutes, because our common law has *native vigour to punish these enormities* in a manner which the common law of England would not have authorised, and which is fully equal to what the urgency of the evil, in this country, has at any time required.' (Vol. 1, p. 436). Lastly, after mentioning that mere combination by workmen to raise wages was declared a crime by the court, for the first time, in 1813, he says, 'This *new* point of dittay seems, therefore, now to be thoroughly established, and it furnishes another illustration of the character of our common law, and of *its power to chastise, of its own native vigour, all wrongs and disorders, as the state of society brings them forth*, which are found to be materially dangerous to the public welfare.' (Vol. 1, p. 491)."

"These passages," the reviewer continues, "leave no doubt as to the learned author's exact meaning. Every wrong or disorder materially dangerous may be punished as society brings them forth, without judicial prece-

dent or statutory authority, merely by the 'native vigour' of our common law. But Mr. Bell \* explains, with perfect accuracy, that this doctrine is plainly not meant to be applied solely to the case of 'offences which, although not yet distinguished by any short and unbending *nomina juris*, do yet fall under some defined category of crime (and) are comprehended under some clearly marked principle or rule, which has in former times been enforced !' (Sup., p. 174). If this had been all, it would only have amounted to the humble doctrine, that a culprit cannot escape by committing an old crime in an original way. But Mr. Bell says, justly, that the principle laid down by Hume applies, 'not merely to such cases as these, where a new form of transgression against an old, established, and clearly marked rule of law has been invented, but where an entirely new, and by the law unheard-of, description of wickedness has sprung up, and been displayed in acts which it is impossible to regard as partaking of the same individual species of criminality with any offence that has been punished before.' (P. 174)." And the power of applying adequate punishment is involved in that of declaring new crimes. Hume lays it down expressly, that the court, on rearing up a new offence, can always "*chastise it with a suitable and reasonable censure*," but only "with the exception of life or limb." This limitation, however, has been dissented from; and the court is reported to have been, in 1808, in a case for child-stealing, unanimous in holding "*that they had powers, from the inherent nature of their jurisdiction, to pronounce a capital sentence on a crime meriting that severity*†." The fact, indeed, is clearly established, however strange it may seem to us, that in Scotland "a power of judicially introducing new crimes, and of applying adequate punishments, does exist; or, which is the same thing in as far as the people are concerned, has been decided to exist; and that this authority adheres to the court by the mere force of the common law."

Well may the writer in the Edinburgh Review exclaim, that the policy of such a law is a question in which every one of the lieges—man, woman, and child—has the deepest personal interest. The only defences that can be made for it are utterly frivolous. Nor does it even appear to have the authority of antiquity. On the contrary, there are many reasons for doubting whether it was anciently understood that any such principle had got itself embedded in the law. "One of these reasons," says the reviewer, "is, that the whole Scotch statute-book teems with new-made crimes. We have been told that there are greatly above 300 of of them. And the actions thus condemned by Parliament are precisely the same with those which are described, and, indeed, expressly specified, by Baron Hume, as within the creative jurisdiction of the court,—practices deemed commercially or politically dangerous, breaches of good order, and injuries inflicted by gross violations of moral duty. There was no need of one-tenth, if of any, of these parliamentary interferences, if there had been understood to be a judicial board always sitting, by which '*all wrongs and disor-*

*ders, as the state of society brings them forth,*' could be repressed."

According to the writer we have quoted, the principle is not laid down as law, or even announced for consideration in any legal work prior to that of Baron Hume; and the first time that it was mentioned in any printed book was in the reports of the Sedition Trials in 1793 and 1794. Baron Hume's work was under composition while these trials were proceeding, and was published about three years afterwards. Being engrafted into the Commentaries, it does not appear to have been acted upon again till the year 1808, when it reappeared on certain trials for combination. The account of these is too long to be inserted here; it is sufficient to say that three of the judges thought combination, however alarming, not indictable, and other three thought the reverse; and the result was, that, in 1808, combination, even when connected with violence, was not a crime. "But, in 1811, by which time one of the judges who had been against the relevancy (against treating combination as a crime) had died, a similar charge was preferred against some shoemakers. The objection was renewed, and again argued, and it was announced that the court now thought that combination was a crime. However, no trial took place, because there were some technical obstacles." "A further experiment was made by indicting some cotton weavers in 1813, who were found guilty of mere combinations and punished with various terms of imprisonment for what, five years before, had been judicially declared not to be a crime." In 1818, a mere threat to strike was found a relevant charge against two colliers. "Thus," says the writer, "in the course of about nine years and a half, did the law vibrate between combination effected by striking work and violence being no crime at all, and its being a crime, when effected by simple union, without even striking."

In six or seven years after, Parliament, reasoning on the very same principles as the court had done, decided that combination was not only not dangerous, but that, in itself, and apart from violence, it was beneficial.

We have said enough now to make our readers acquainted with what seemed to us, and must seem to them, an extraordinary state of criminal law in Scotland. Its existence seems hitherto not to have been generally known to the public, and probably it has but to be known to be terminated. With us in England it is more a matter of curiosity and surprise than apprehension, though attachment to our own institutions must teach us to wish, that, even amongst our neighbours, such a judicial power should not be permitted to exist.

The abuse of the Bar seems a never-failing resource for the amusement of those whose speculations lead them most to require its assistance. Every mischief which results from the folly of litigants, or their inordinate desire of gain, every cause of defeat to which they expose themselves while grasping at the means of overcoming an opponent, is laid to the charge of the Bar.

The last grievance is that of the shareholders in railroad companies, who invoke the aid of Parliament to prevent counsel practising in committees from accepting retainers for more than one committee per day;

\* A Supplement to Hume's Commentaries on the Law of Scotland respecting Crimes. By Benjamin Robert Bell, Esq., Advocate. Edinburgh, 1844.

† Burnet's Criminal Law, p. 134.



because, it is said, counsel accepting retainers for several committees, cannot attend to all, and, therefore, they pocket by a flagrant "robbery"—yes, robbery is the mild and urbane term—the fees given by those whose committees they cannot attend. How often and how long, O obtuse litigants and shareholders! must it be repeated to you, that, if this be a grievance, it is one of your own creation, and one which yourselves, and yourselves only, can destroy? If you *will* persist in persecuting Mr. A. or Mr. B. with briefs, when you know that they have already more than human strength and human time can get through,—if you *will* believe that only Mr. A. or Mr. B. can adequately represent your interests, why do you repine because these gentlemen yield to your importunities, and give you that which, when you retained them, you knew was all they could give, the chance of their services? If men will buy contingent interests, have they any right to complain, because the contingencies on which they are to become entitled, do not happen? You invoke the aid of Parliament, to do—what? To say to counsel "You shall not accept retainers;" and to say to shareholders and their agents, "You shall not buy the chance of particular counsel's advocacy!" Would it not be as well, at once, to ask of Parliament to compel counsel to attend and practise at its bar for a daily fee to be fixed by Parliament; and would it not be as well, at the same time, to ask Parliament to make every counsel equally popular? Surely, of all the absurdities that of late have disgraced the attacks made upon the Bar, the greatest is that which lays to their charge the consequence of the star worship of suitors, and the weakness with which their folly is petted and pampered by their agents.

Far be it from us to attempt to deny the hard-earned reputation and popularity of a Follett, a Kelly, an Austin,—a reputation and popularity which are too often earned with the life-blood of their gifted and doomed possessors. We ought not, perhaps, to wonder that clients should strive against each other for the advantage of having their interests advocated by men, whose skill and talent seem ever ready to take advantage of every success, and to beat down every obstacle; but we may and do wonder that they who are crowding into the chambers of the popular advocate; they who are clamorous in his antechamber for the chance of his assistance; they who pour out their treasures into his coffers and their choice offerings at his feet, knowing that, to use their own words, he cannot be ubiquitous;—we do wonder, we say, when we see these very persons malign the Bar with the coarsest vituperatives,—not for the fault of the general Bar, not for the fault of the few idolised leaders,—but for the fault of their own utter folly, which *will* buy a mere chance, and yet complain that it is but a chance!

Listen, O litigants and shareholders! If you are dissatisfied with the eminent leaders of the parliamentary Bar for accepting many retainers; go to them, or rather to their clerks, and ask of any of them, if he will take a brief for one committee, and undertake to attend exclusively that committee, and you will receive a most emphatic negative. Go, then, a step lower in the scale of popularity, and tender your brief on the same conditions to a popular junior, and there you will receive the emphatic negative. Go down now still somewhat, till you reach the perhaps talented, and certainly industrious and ambitious, but still unknown, junior, and tender to him your brief upon the terms of his being at his post in your committee while it sits, and probably then your brief will be accepted. But this does not suit your purpose. You do not want to have the services of the *accessible*, but of the *inaccessible*

man. You make a man a king, and then wonder that he rules.

As to Parliament interfering in the matter, the very notion is absurd. Parliament will not so stultify itself. As the retainers of counsel and fees to counsel are merely gratuitous, it would be impossible for Parliament to attempt to regulate the relation of agent and counsel. It is inconceivable how any standing orders could touch the right of a suitor to make a present to counsel, (and that is what, in truth, the retaining fee is), trusting to his honour to attend a committee in return, if not elsewhere engaged. The only way in which the evil can be cured (assuming it to be one) is, by the suitors adopting the plan of procuring the certain services of a man of second or third-rate popularity, from whom it is practicable to obtain a promise of attention to the case entrusted to him to the exclusion of any others till the first is concluded, rather than to the chance of the advocacy of the one or two universal favourites, who cannot be expected to give, and would be idiots if they did give, any pledge. It is plain, that, if there are ten committees sitting at once upon the bills of ten companies, and the ten companies are all determined to have one man as counsel, some of the ten must be disappointed. And it is equally clear that the fault is not in the one man whom they all insist upon taking the chance of having, but of those of the companies who insist upon hoping against hope, and retaining him after he is already retained to the very last fraction of his time.

One word before we conclude these observations, upon the alleged exorbitancy of the fees given to parliamentary counsel. It is quite true that the learning necessary for advocacy before railway committees is not so difficult and tedious of acquisition, as the learning requisite for the equity or common lawyer. And it may, at first sight, therefore, seem strange that parliamentary fees should be, as they are, at least three times as large as the fees given upon equity or common-law business. But it is not to be forgotten, that, in the first place, the business of the parliamentary counsel is over in less than half a year, and during the remainder of the year he may go, if he likes, to Persia, or anywhere else; in the second place, while it does last, it is harassing and fatiguing to the most intense degree; and, in the third place, and this, though last, is not least to the brighter spirits, it must be remembered, that the only reward of the successful parliamentary counsel is the acquisition of fortune; that for him the highest honours of the Profession have, in general, no existence; that for him the hope of posthumous fame is scarcely to be entertained; that for him political life is closed so long as he is compelled to labour in his Profession; that, in fine, he has no reward to look forward to but *money*. His efforts are never associated with any great constitutional question; he cannot identify himself with the improvement of the laws of his country; his struggles are concerning the conflict of gradients and traffic tables; his noblest object is to impress on Parliament the merits of an iron road; and, were it not for the occasional gleam of sunshine thrown across the desert of his labours by the light of science, there would be little in the occupation of the parliamentary counsel to make business anything beyond the tamest and most wearying drudgery. Nothing, therefore, but high fees will tempt men of any energy of character or intellectual ability, to abandon the ordinary practice of the law, for that of the parliamentary committees; and, keeping in view all these circumstances, we say most unhesitatingly, that the fees given to parliamentary counsel, however high they may sound, and however much they may enrich a few *very* successful advocates, are not in the least degree higher than is necessary to secure ability for the parliamentary Bar.



## Correspondence.

## THE TRANSFER OF RAILWAY SCRIP.

TO THE EDITOR OF THE JURIST.

SIR,—The case of *Young v. Smith*, in the Exchequer, (10 Jur. 52), has decided that the transfer of railway scrip, after provisional registration merely, and before complete registration of the company, is legal; and that sect. 26 of 7 & 8 Vict. c. 110, does not apply to railway companies. If I remember aright, your pages were the first to question the opinion of the Attorney-General, which had been given to the effect, that such transfer was illegal; and arguments pro and con have since appeared in your columns.

The decision in *Young v. Smith*, under the circumstances attending it, is not considered, among professional men, quite satisfactory, and it is to be hoped that the judgment of the Exchequer will be reviewed by a court of error. The judgment was delivered in the absence of two learned judges of the court, Barons Parke and Rolfe; it was given off-hand, and without the usual signification, in important cases, of "*Curia advisari vult*." Moreover, the 7th section of the Joint-stock Companies Act does not appear to have been sufficiently brought before the court. By that section, companies, *expressly* including railway companies, are prohibited "from acting otherwise than provisionally in accordance with the act," until completely registered. Then comes the question, "What is acting otherwise than provisionally in accordance with the act?" Sect. 26 appears to point out one mode of such acting, as it declares that no subscriber of *any* joint-stock company shall dispose of his share before such company is completely registered. It has been ingeniously argued in your pages, that sect. 7 applies to the acts of companies *as* companies, while sect. 26 applies merely to the acts of individual subscribers. However this may be, it would have been more satisfactory had this point been brought specifically to the notice of the court.

As to the intention of the statute, a search into Hansard will shew that one of the chief objects of its enactment was the prevention of excessive gambling in railway scrip, and it was so declared at the time by Mr. Gladstone.

But, if the decision in *Young v. Smith* holds good, it by no means follows that we should admit the extensive corollary which is sought to be derived from it. It is said by some, that, if the sale of scrip be legal, then the case of *Kempson v. Saunders* (4 Bing. 5) applies, and invests such sale with certain incidents, that, if the undertaking be abandoned, the purchaser may recover the money he paid to the scrip-vendor, the vendor from the preceding vendor, and so on until they arrive at the projectors, "which," said Best, C. J., in that case, "will be doing a great service."

In *Kempson v. Saunders* the defendant had sold to the plaintiff, at 3*l.* 5*s.* premium, twenty shares in a projected railway company, on each of which shares a deposit of 2*l.* had been paid by the original holder, of whom they had been purchased by the defendant. The committee, who had framed the project and issued the scrip, agreed that *nothing should be done till the sanction of the Legislature was procured*; they afterwards abandoned the project, and no act of Parliament was ever obtained. The scheme having failed, the plaintiff brought his action for money had and received, on the ground of failure of consideration, and had a verdict. It was said by Best, C. J., "There was nothing illegal in the transaction in which the plaintiff was concerned, because, at the meeting convened for the purpose of framing the project, it was agreed that nothing should be done till the sanction of the Legislature had been obtained. While things were in this state, the defend-

ant, who was not an original subscriber, but had purchased these shares, (which, in fact, were *not saleable* till the company was formed), sold them to the plaintiff; but he sold a nothing, an alleged title of no value." In the first place, it is to be observed, the company, in *Kempson v. Saunders*, could hardly be said to exist as a company until it received an act of Parliament; it was, at the utmost, a mere scheme, in which *nothing* was to be done until the act was obtained.

But it is not so in railway companies provisionally registered. They have certain powers; they are quasi companies, and in some respects may act as such; they may assume the name of the intended company, open subscription lists, allot shares, and receive deposits. It cannot be said, in such case, *nothing* is to be done until the act of Parliament is obtained. Neither can it be said the scrip are not saleable until then, for we know in practice they are (or rather were before the panic) sold every day; such sale was held to be not contrary to 7 & 8 Vict. c. 110, in *Young v. Smith*, and the modern doctrine seems to favour the transferability of scrip. It also appears to me, Sir, with the utmost deference for the learned Chief Justice Best, that reasonable doubts may be entertained whether the doctrine laid down in *Kempson v. Saunders* would now be held good law. The judgment therein proceeded on the ground of failure of consideration, the scrip being, it was said, of no value. Now, the principle on which consideration fails seems to be this: there is an implied promise of something existing which does not exist, or of something being performed in future which is not performed, and, in consideration of which implied promise, money has been paid. A familiar instance is, where a purchaser of an estate has paid a deposit, and vendor fails in making out a title. It is thus imported into the original contract, and is in the nature of a condition precedent to the recipient's right absolutely to retain the money.

It is well known there must be a *total* failure of consideration, and the parties must be capable of being placed in statu quo; but is there any implied warranty or promise on the part of the seller of scrip, that the undertaking shall not be abandoned by the company? Is he to take upon himself the burden of answering for payment of deposits, punctuality and veracity of engineers and surveyors, the decision of railway committees, and like uncertainties over which he has no control whatever? It seems rather to be a sale of title to shares, which may be worth much or little, something or nothing, and the maxim, "*caveat emptor*," should apply. Scrip are supposed to be of a certain value when they are sold, that is, they represent the sum which may be obtained for them in the share market. But their present value is fluctuating, their future value wholly unascertained and inappreciable, and the purchaser takes them knowing these facts. He has all he bargains for,—the scrip, a mere title to shares, with all its defects and advantages. There is no fraud on the part of the vendor; no consideration, it seems to me, is kept back, to which failure can be said to attach.

Take the case of a transfer of a lottery ticket, when lotteries were legal; in the event of its turning out a blank, it would not be contended that the transferee could recover the amount he had paid for it.

Again, it is well known that many of the paintings of Sir Joshua Reynolds have unfortunately lost their colours within the last few years. Had one of these, in the full bloom of healthy colour, been sold to a connoisseur, and had he, to his dismay, perceived it one morning undergoing the dissolving process, and fading into a dead white, it would scarcely be just that he should make the vendor pay for the faulty use or mixture of colours by the artist.

And yet one would think there is no more warranty

in the sale of scrip, than in that of lottery tickets or pictures.

Perhaps, Sir, at the present time, the above remarks, on a subject of such general interest, may be acceptable to your readers.

I am, Sir,

Your obedient servant,

Temple, Feb. 18, 1846.

H. M.

### COURT OF QUEEN'S BENCH.

Feb. 14.—Lord Denman, C. J., delivered the judgment of the court in the following cases:—

*De Medina v. Grove* (case)—Rule absolute for arresting judgment.

*Same v. Same* (assumpsit)—Rule absolute for nonsuit.

*Rogers v. Brenton*—Rule absolute for new trial\*.

*Milner v. Myers*, and five other actions by the same plaintiff—Judgment for defendant.

*Reg. v. The Inhabitants of Birmingham*—Order of sessions set aside, except as to the illegitimate son.

*Campbell v. Reg.*—Venire de novo awarded.

*Foster v. The Bank of England*—Rule absolute for inspection of the entry of the supposed transfer, in the book of defendants.

Lord Denman, C. J., said, "We think it is desirable to reform the practice as to motions in arrest of judgment. Where the question is merely on the form of declaration, and the rule obtained is, therefore, simply in arrest of judgment, we shall direct the case to be put down in the Special Paper, instead of the New Trial Paper."

### LIST OF SHERIFFS AND UNDER-SHERIFFS WITH THEIR DEPUTIES AND AGENTS, FOR 1846.

*Bedfordshire*—William Stuart, Esq., Watford.

*Undersh.*, William Day, Esq., St. Neot's, Huntingdonshire.

*Deps.*, Hale, Boys, & Austen, 6, Ely-place.

*Berkshire*—William Stephens, Esq., Prospect Hill, Reading.

*Undersh.*, John Jackson Blandy, Esq., Reading.

*Deps.*, Gregory, Faulkner, Gregory, & Skirrow, 1, Bedford-row.

*Berwick-upon-Tweed*—Captain William Smith, R. N., Ava Lodge, Berwick-upon-Tweed.

*Undersh.*, R. Weddell, Esq., Berwick-upon-Tweed.

*Deps.*, Meggison, Pringle, & Co., 3, King's-road, Bedford-row.

*Bristol (City of)*—Thomas Hill, Esq., Cote Bank, Westbury-upon-Trym, Gloucestershire.

*Undersh.*, W. O. Hare, Esq., 3, Small-st., Bristol.

*Deps.*, Bridges & Mason, 23, Red Lion-square.

*Buckinghamshire*—Sir William Robert Clayton, Bart., Harleford House.

*Undersh.*, James James, Esq., Aylesbury.

*Dep.*, William Meyrick, 2, Furnival's Inn.

*Cambs. & Hunt.*—Sir Charles Wager, Bart., West Wrattling.

*Undersh.*, Christopher Pemberton, Esq., Cambridge.

*Deps.*, Cole & Son, Adelphi-terrace, Strand.

*Canterbury (City of)*—Frederick Freeman Cobb, Esq., New-road, Canterbury.

*Undersh.*, R. G. Chipperfield, Esq., Canterbury.

*Dep.*, T. Kirk, 10, Symond's Inn, Chancery-lane.

*Cheshire*—James Hugh Smith Barry, Esq., Masbury Hall.

*Undersh.*, Hostage & Blake, Northwich.

*Dep.*, John Froggart, 16, Clifford's Inn.

*Chester (City of)*—John Smith, Esq., Chester.

*Undersh.*, John F. Maddock, Esq., Town-clerk of Chester.

*Dep.*, John Philpot, jun., 3, Southampton-street, Bloomsbury.

*Cinque Ports*—His Grace the Duke of Wellington.

*Undersh.*, Thomas Paine, Esq., Dover.

*Deps.*, Wright & Kingsford, 23, Essex-st., Strand.

*Cornwall*—C. H. T. Hawkins, Esq., Trewithen.

*Undersh.*, John Gilbert Chilcott, Esq., Truro.

*Dep.*, Joseph Raw, 5, Furnival's Inn.

*Coventry (City of)*—Act 5 & 6 Vict. c. 110, s. 10, abolished the Office of Sheriff for this City, and Warrants are now granted by the Sheriff of Warwickshire.

*Cumberland*—Joseph Pocklington Senhouse, Esq., Barrow House and Nether Hall.

*Undersh.*, Silas Saul, Esq., Carlisle.

*Deps.*, Capes & Stuart, Field-court, Gray's Inn.

*Derbyshire*—Sir Robert Edward Wilmot, Bart., Osmaston Hall, near Derby.

*Undersh.*, { Francis Jessopp, Esq., Derby.

{ Jessopp, Son, & Burnaby, Derby. A.U.

*Deps.*, Smedley & Rogers, 40, Jermyn-street, St. James's.

*Devonshire*—Sir Walter Palk Carew, Bart., Haccombe, near Newton Abbot.

*Undersh.*, W. Jones, Esq., Cathedral Yard, Exeter.

*Dep.*, George Carew, 9, Lincoln's-inn-fields.

*Dorsetshire*—Charles Porcher, Esq., Cliffe House.

*Undersh.*, Thomas Coombs, jun., Esq., Dorchester.

*Deps.*, Rickards & Walker, 29, Lincoln's-inn-fields.

*Durham*—R. S. Pemberton, Esq., Usworth House, Gateshead.

*Undersh.*, William Emerson Wooler, Esq., North Bailey, Durham.

*Dep.*, H. M. Vane, Carlton Chambers, 12, Regent-st.

*Essex*—John Clarmont Whiteman, Esq., Grove, Thoydon Garnon, Epping.

*Undersh.*, Joseph Jessop, Esq., Waltham Abbey.

*Deps.*, Nelson & Wynn, Gresham-place, Lombard-st.

*Exeter (City of)*—Joseph Shephard, Esq., Exeter.

*Undersh.*, Henry Willcocks Hooper, Esq., Exeter.

*Deps.*, Clipperton & Impey, 17, Bedford-row.

*Gloucestershire*—George Bengough, Esq., Newland.

*Undersh.*, John Burrup, Esq., Berkeley-street, Gloucester.

*Dep.*, Thomas White, 11, Bedford-row.

*Gloucester (City of)*—John Join Flux, Esq., Eastgate-street, Gloucester.

*Undersh.*, Thomas Smith, Esq., Gloucester.

*Deps.*, Jones, Tudway, & Eyre, 1, John-street, Bedford-row.

*Hampshire*—John Beardmore, Esq., Uplands, Fareham.

*Undersh.*, Charles Seagrim, Esq., Winchester.

*Dep.*, William Braikenridge, Bartlett's-buildings.

*Herefordshire*—Daniel Peeploe Peeploe, Esq., Garnston.

*Undersh.*, F. Lewis Bodenham, Esq., High-street, Hereford.

*Deps.*, Overton & Hughes, 25, Old Jewry.

*Hertfordshire*—Felix Calvert, Esq., Hunsdon House.

*Undersh.*, Philip Longmore, Esq., Castle, Hertford.

*Deps.*, Hawkins, Stocker, Bloxam, & Stocker, 2, New Boswell-court.

*Hunts. & Cambs.*—Sir Charles Wager, Bart., West Wrattling.

*Undersh.*, Christ. Pemberton, Esq., Cambridge.

*Deps.*, Cole & Son, Adelphi-terrace, Strand.

*Kent*—W. Osmund Hammond, Esq., St. Alban's.

*Undersh.*, Henry Kingsford, Esq., Canterbury.

*Deps.*, Palmer, France, & Palmer, 24, Bedford-row.

*Kingston-upon-Hull*—C. Leake Ringrose, Esq., Fanby, Yorkshire.

*Undersh.*, Holden & Son, Hull.

*Deps.*, Hicks & Marris, 5, Gray's-inn-square.

*Lancashire*—W. Standish Standish, Esq., Duxbury-park.

*Undersh.*, Gorsts & Birchall, Preston.

*Deps.*, Wigglesworth, Ridsdale, & Craddock, 1, Gray's-inn-square.

*Leicestershire*—William Ann Pochin, Esq., Barkby.

*Undersh.*, C. Smith, Esq., (firm of Miles & Smith), Leicester.

*Deps.*, R. M. and C. Baxter, 48, Lincoln's-inn-fields.

*Lincolnshire*—J. Banks Stanhope, Esq., Revesby Abbey.

*Undersh.*, { Richard Clitherow, Esq., Horncastle.

{ Henry Williams, Esq., Lincoln. A.U.

*Deps.*, Taylor & Collinson, 28, Great James-street, Bedford-row.

\* *Butt*, (Crowder, contra, concurring), applied that the court would hear the argument on the rule for a nonsuit.

Lord DENMAN, C. J., said, we will consider your application.

**Lincoln (City of)**—Henry Moss, Esq., Lincoln.  
*Undersh.*, Rich. Mason, Esq., Guildhall, Lincoln.  
*Depts.*, Taylor & Collinson, 28, Great James-street, Bedford-row.

**Litchfield (City of)**—John Allport, Esq., Litchfield.  
*Undersh.*, William Green, Esq., Litchfield.  
*Depts.*, Gem, Pooley, & Beale, 1, Lincoln's-inn-fields.

**London (City of)**—W. J. Chaplin, Esq., 1, Adelphi-terrace, London.  
**Middlesex**—John Laurie, Esq., Hyde-park-place, Hyde-park, London.  
*Undersh.*, { F. T. Bircham, Esq., 15, Bedford-row, London.  
 D. W. Wire, Esq., St. Swithin's-lane, London.  
*Depts.*, { J. and W. Burchell, 24, Red Lion-square.  
 Secondaries' Office, Basinghall-street.

**Monmouthshire**—Thos. Prothero, Esq., Malpas Court.  
*Undersh.*, { C. B. Fox, Esq., Newport.  
 Prothero, Twogood, & Fox, Newport. A. U.  
*Dep.*, George Hall, 11, New Boswell-court.

**Newcastle-upon-Tyne**—M. R. Bigge, Esq., Newcastle-upon-Tyne.  
*Undersh.*, Robert Leadbitter, Esq., Newcastle-upon-Tyne.  
*Dep.*, Thomas Leadbitter, 7, Staple Inn.

**Norfolk\***—The Hon. C. Spencer Cowper, Sandringham Hall.  
*Undersh.*, { Lewis Whincop Jarvis, Esq., Lynn.  
 Adam Taylor & Sons, Norwich. A. U.  
*Depts.*, Clowes & Wedlake, 10, King's-bench-walk, Temple.

**Norwich (City of)**—Jeremiah Colman, Esq., Norwich.  
*Undersh.*, Joseph Colman, Esq., Norwich.  
*Dep.*, John Mills, 3, Brunswick-place, City-road.

**Northamptonshire**—A. Allicocke Young, Esq., Orlingbury.  
*Undersh.*, Henry Lamb, Esq., Kettering.  
*Depts.*, Grimaldi, Stables, & Burn, Cophall-court.

**Northumberland**—Charles William Orde, Esq., Nunykirk.  
*Undersh.*, George Brunell, Esq., Morpeth.  
*Depts.*, Meggison, Pringle, & Co., 3, King's-road, Bedford-row.

**Nottinghamshire**—F. Hall, Esq., Park Hall, Nottinghamshire.  
*Undersh.*, { Parsons, Benn, & Parsons, Mansfield.  
 J. Brewster, Esq., Nottingham. A. U.  
*Dep.*, Charles Deane, 61, Lincoln's-inn-fields.

**Nottingham (Town of)**—N. Hurst, jun., Esq., Nottingham.  
*Undersh.*, Christopher Swann, Esq., Nottingham.  
*Depts.*, Holme, Loftus, & Young, 10, New Inn, Strand.

**Oxfordshire**—Mortimer Ricardo, Esq., Kiddington.  
*Undersh.*, S. Cooper, Esq., Henley-upon-Thames.  
*Dep.*, Chas. Berkeley, 52, Lincoln's-inn-fields.

**Poole (Town of)**—Edward Mullett, Esq., Poole.  
*Undersh.*, Henry Mooring Aldridge, Esq., Poole.  
*Depts.*, Skilbeck & Hall, 19, Southampton-buildings.

**Rutlandshire**—John Gilson, Esq., Wing, near Uppingham.  
*Undersh.*, William Gilson, Esq., Uppingham.  
*Depts.*, Capes & Stuart, 1, Field-court, Gray's Inn.

**Shropshire**—Rich. H. Kinchant, Esq., Park Hall, Oswestry.  
*Undersh.*, { Rich. Jones Croxon, Esq., Oswestry.  
 J. J. Peele, Esq., Shrewsbury. A. U.  
*Dep.*, Henry Hammond, 16, Furnival's Inn.

**Somersetshire**—Rich. Meade King, Esq., Pyrland Hall.  
*Undersh.*, Edward Coles, Esq., Taunton.  
*Depts.*, W. & E. Dyne, 61, Lincoln's-inn-fields.

**Southampton (Town of)**—John Aslett, Esq., Marland-place, Southampton.  
*Undersh.*, Richard Blanchard, Esq., 1, Sussex-place, Southampton.  
*Depts.*, Davies & Son, 21, Warwick-st., Regent-st.

**Staffordshire**—John Leyett, Esq., Wichnor, near Lichfield.  
*Undersh.*, Robert William Hand, Esq., Stafford.  
*Depts.*, White, Eyre, & White, 11, Bedford-row.

**Suffolk**—Sir Robert Shafto Adair, Bart., Flixton.  
*Undersh.*, { P. Bartholomew Long, Esq., Ipswich.  
 Wayman, Greene, & Smiths, Bury St. Edmund's. A. U.  
*Depts.*, R., M., and C. Baxter, 48, Lincoln's-inn-fields.

**Surrey**—Chas. M'Niven, Esq., Perrysfield, Oxted.  
*Undersh.*, Wm. H. Smallpiece, Esq., Guildford.  
*Depts.*, Abbott, Jenkins, & Abbott, 8, New Inn, Strand.

**Sussex**—Wm Townley Mitford, Esq., Pitahill.  
*Undersh.*, John Luttman, Esq., Petworth.  
*Depts.*, Palmer, France, & Palmer, 24, Bedford-row.

**Warwickshire**—Charles Thos. Warde, Esq., Clopton House.  
*Undersh.*, Thomas Heath, Esq., Warwick.  
*Dep.*, S. J. Pittendreich, 14, South-sq., Gray's Inn.

**Westmoreland**—The Right Hon. Henry Earl of Thanet.  
*Undersh.*, John Heelis, Esq., Appleby.  
*Dep.*, George Mounsey Gray, 9, Staple Inn.

**Wiltshire**—The Hon. J. Pleydell Bouverie, (commonly called Viscount Folkestone, Longford Castle.  
*Undersh.*, Coard Wm. Squarey, Esq., Salisbury.  
*Depts.*, Palmer, France, & Palmer, 24, Bedford-row.

**Worcestershire**—Wm. Hemming, Esq., Fox Lydiat House.  
*Undersh.*, { William Robeson, Esq., Bromsgrove.  
 Gillam & Sons, Worcester. A. U.  
*Depts.*, Cardales & Iliffe, 2, Bedford-row.

**Worcester (City of)**—Frederick Thos. Elgie, Esq., Foregate-street, Worcester.  
*Undersh.*, Herbert George Goldingham, Esq., Foregate, Worcester.  
*Dep.*, Hen. Bedford, 4, Gray's-inn-square.

**Yorkshire**—James Walker, Esq., Sandhutton.  
*Undersh.*, William Gray, Esq., York.  
*Dep.*, Lowe, 2, Tanfield-court.

**York (City of)**—George Jennings, Esq., Bootham.  
*Undersh.*, John Jas. Gutch, Esq., Coney-st., York.  
*Dep.*, None ever appointed.

## NORTH WALES.

**Anglesey**—John Lewis Hampton Lewis, Esq., Henllys.

**Carnarvonshire**—Charles Henry Evans, Esq., Bontnewydd, near Carnarvon.  
*Undersh.*, Poole & Powell, Carnarvon.  
*Depts.*, Abbott, Jenkins, & Abbott, 8, New Inn.

**Denbighshire**—Brownlow Wynne Wynne, Esq., Garthefwin, near Abergale.  
*Undersh.*, James Vaughan Horne, Esq., Denbigh.  
*Depts.*, Palmer, France, & Palmer, 24, Bedford-row.

**Flintshire**—Samuel Henry Thompson, Esq., Bryncoch.  
*Undersh.*, Arthur Troutmont Roberts, Esq., Mold.  
*Depts.*, Milne, Farry, Milne, & Morris, 2, Harcourt-buildings, Temple.

**Merionethshire**—Sir Robert Williams Vaughan, Bart., Nannau, near Dolgelly.  
*Undersh.*, Owen & Griffiths, Dolgelly.  
*Depts.*, Gatty & Turner, Red Lion-square.

**Montgomeryshire**—John Foulkes, Esq., Carne.  
*Undersh.*, Joseph Jones, Esq., Welchpool.  
*Depts.*, Jones & Blaxland, Crosby-square.

## SOUTH WALES.

**Breconshire**—Morgan Morgan, Esq., Bodwigiad.

**Cardiganshire**—James Davies, Esq., Frefechan, Aberystwyth.  
*Undersh.*, F. R. Roberts, Esq., Aberystwyth.  
*Depts.*, Hawkins, Stocker, Bloxam, & Stocker, 2, New Borwell-court.

**Carmarthen (Borough of)**—David Evans Lewis, Esq., Waterloo-terrace, Carmarthen.  
*Undersh.*, George Thomas, jun., Esq., Llamas-st., Carmarthen.  
*Depts.*, Rickards & Walker, 29, Lincoln's-inn-fields.

**Carmarthenshire**—Sir John Mansel, Bart., Llanstephan.  
*Undersh.*, Philip Griffith Jones, Esq., Carmarthen.  
*Dep.*, Robert Gamlen, 3, Gray's-inn-square.

**Glamorganshire**—Rich. Franken, Esq., Clementstone House, Glamorganshire.  
*Undersh.*, William Lewis, Esq., Bridgend.  
*Dep.*, Isaac Wrentmore, 19, Lincoln's-inn-fields.

\* The Hon. Mr. Cowper is at present abroad, but expected to return in the early part of March, when he will be sworn in, until which time the names will stand as follows:—Theophilus Russell Buckworth, Esq., Cockley Cley, Sheriff; C. Bonner, Esq., Spalding, Under-sheriff; Adam Taylor & Sons, Norwich, Acting Under-sheriffs; and Temple & Bonnor, 16, Furnival's Inn, Agents.

**Haverfordwest (Town of)**—Wm. Phillips, Esq., Hill-street, Haverfordwest, (to whom all Writs must be sent. No Under-sheriff or Agent ever appointed).

**Pembroke-shire**—John Harding Harries, Esq., Treavacoone. *Undersh.*, William Evans, Esq., Haverfordwest. *Depts.*, Jones, Trinder, Tudway, & Eyre, John-st., Bedford-row.

**Radnor-shire**—Thomas Prickard, Esq., Dderw Rhayader.

*Undersh.*, Evan Williams, Esq., Rhayader.

*Depts.* Meredith & Reeve, 8, New-sq., Lincoln's-inn.

\* Warrants are granted in Town for the Borough of Carmarthen, Carmarvonshire, Radnorshire, and all places except Bristol, Canterbury, Cinque Ports, Chester, Derbyshire, Durham, Exeter, Gloucestershire, Gloucester (City), Kingston-upon-Hull, Leicestershire, Lancashire, Lincoln (City), Monmouthshire, Norwich, Poole, Southampton, York (City), and the Welsh Counties, not before named.

## London Gazettes.

TUESDAY, FEBRUARY 17.

### INSOLVENT.

JOHN HAWKINS, Maidenhead, Berkshire, butcher.

### BANKRUPTS.

SAMUEL HARRISON, Poole, provision and commission merchant, dealer and chapman, Feb. 27 at 2, and March 31 at 12, Court of Bankruptcy, London: Off. Ass. Belcher; Sol. Parr, Poole.—Fiat dated Jan. 23.

ROWLAND HILL BLACKER and CHARLES EARITH the younger, Gresham-st., London, warehousemen, March 27 at 2, and March 31 at 12, Court of Bankruptcy, London: Off. Ass. Graham: Sols. Sole & Co., Aldermanbury.—Fiat dated Feb. 12.

JOHN PINNER, Regent-place, Globe-road, Mile-end-road, Middlesex, undertaker, Feb. 23 at 1, and March 31 at 11, Court of Bankruptcy, London: Off. Ass. Turquand; Sols. Kingdon & Co., Clifford's Inn.—Fiat dated Feb. 13.

WILLIAM BONELLA, Pollard's-row, Bethnal-green, Middlesex, out of business, Feb. 23 at half-past 1, and March 31 at 11, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Taylor, 38, Moorgate-st.—Fiat dated Feb. 14.

EDWARD SMYRK, Hill-st., Windmill-st., Finsbury, Middlesex, upholsterers' fringe and lace manufacturer, March 6 at half-past 2, and March 27 at 11, Court of Bankruptcy, London: Off. Ass. Groom; Sol. Roberts, 2, Bride-court, Fleet-st.—Fiat dated Feb. 16.

WILLIAM FISHER, York-place and Ordnance-road, St. John's Wood, Mary-le-bone, Middlesex, commission agent and dealer, dealer and chapman, Feb. 27 at 12, and March 27 at 1, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Austin, St. Swithin's-lane.—Fiat dated Feb. 16.

THOMAS METCALFE, Princes-st., Red Lion-sq., Middlesex, carpenter and builder, dealer and chapman, Feb. 28 at 1, and March 27 at 11, Court of Bankruptcy, London: Off. Ass. Green; Sol. Rivolve, Bloomsbury-square.—Fiat dated Feb. 14.

AUGUSTUS THOMAS ARTHUR BARFIELD, Bristol, artist, carver, gilder, and picture frame maker, March 3 and 31 at 1, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sol. Braikensridge, Bartlett's-buildings, Holborn, London.—Fiat dated Feb. 14.

WILLIAM DAVIS, Strangeways, Cheetham, Manchester, plasterer and painter, March 2 and 23 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Law, Manchester; Gregory & Co., Bedford-row, London.—Fiat dated Feb. 12.

JOHN POULESTON, Birkenhead, Cheshire, builder, Feb. 27 and March 24 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Casenove; Sols. Keightley & Banning, Liverpool; Humphrys & Co., 43, Chancery-lane, London.—Fiat dated Jan. 31.

JONAS WILKINSON and ZACCHEUS WILKINSON, Bradford, Yorkshire, worsted stuff manufacturers, dealers and chapmen, (carrying on trade under the firm of Jonas Wilkinson & Son), March 2 and 23 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Wavill, Halifax; Courtney, Leeds; Gregory & Co., Bedford-row, London.—Fiat dated Feb. 12,

MARY HART, Chewton Mendip, Somersetshire, victualler, dealer and chapwoman, March 2 at 12, and March 31 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sols. Davies & Hobbs, Wells.—Fiat dated Jan. 16.

THOMAS SYMES, Uplyme, Devonshire, draper, dealer and chapman, March 5 and 26 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzell; Sol. Stedman, Guildhall-chambers, Basinghall-st., London.—Fiat dated Feb. 9.

### MEETINGS.

*Frederick Dixon*, Long-lane, Bermondsey, Surrey, carrier, March 11 at 12, Court of Bankruptcy, London, and ac. and div.—*Jas. Worssam*, Great Mitchell-st., Old-st., St. Luke's, Middlesex, engineer, March 11 at 11, Court of Bankruptcy, London, and ac.—*Charles Allen*, Devizes, Wiltshire, cattle dealer, March 13 at 11, District Court of Bankruptcy, Bristol, and ac.—*Jacob Parker*, Cheltenham, Gloucestershire, cabinet maker, March 17 at 12, District Court of Bankruptcy, Bristol, and ac.—*Richard Castle*, Twynning, Gloucestershire, grocer, March 17 at 11, District Court of Bankruptcy, Bristol, and ac.—*Chas. Barber*, Denham Springs, Brindle, near Chorley, Lancashire, calico printer, March 10 at 12, District Court of Bankruptcy, Manchester, and ac.; March 11 at 12, div.—*Peter Robinson*, Warrington, Lancashire, bottle manufacturer, March 10 at 12, District Court of Bankruptcy, Manchester, and ac.—*William London* the elder, and *Wm. London* the younger, Exeter, carriers, March 11 at 11, District Court of Bankruptcy, Exeter, and ac.; March 12 at 1, div.—*Thomas Clarke*, Rugby, Warwickshire, mercer, March 10 at 11, District Court of Bankruptcy, Birmingham, and ac.; March 13 at 12, fin. div.—*Thos. Darby* and *Jas. Darby*, Birmingham, drysalers, March 13 at 11, District Court of Bankruptcy, Birmingham, and ac.—*Wm. Andrews*, Birmingham, cabinet maker, March 10 at 11, District Court of Bankruptcy, Birmingham, and ac.—*Wm. Thos. Barker*, Birmingham, plater, March 10 at 11, District Court of Bankruptcy, Birmingham, and ac.—*Geo. Carruthers*, Coventry, Warwickshire, draper, March 10 at 11, District Court of Bankruptcy, Birmingham, and ac.—*John Smith*, Hoo-mills, Haseloe, Warwickshire, miller, March 10 at 11, District Court of Bankruptcy, Birmingham, and ac.—*John S. Rowe*, Newcastle-under-Lyme, Staffordshire, draper, March 10 at 11, District Court of Bankruptcy, Birmingham, and ac.—*Hen. Pares*, Loughborough, Leicestershire, plumber, March 10 at 11, District Court of Bankruptcy, Birmingham, and ac.—*Edw. C. Flowers*, Whitchurch, Buckinghamshire, cattle dealer, March 10 at half-past 11, Court of Bankruptcy, London, div.—*Chas. Jas. Banister*, Derby, linen draper, March 12 at 12, Court of Bankruptcy, London, fin. div.—*Henry Baker*, Mark-lane, London, merchant, March 12 at 11, Court of Bankruptcy, London, fin. div.—*John Mohon* and *Rich. Simons*, Mincing-lane, London, wine merchants, March 12 at half-past 11, Court of Bankruptcy, London, fin. div.—*John Aplin*, Bicester, Oxfordshire, scrivener, March 12 at half-past 11, Court of Bankruptcy, London, div.—*Abraham Parkinson*, Leeds, wine merchant, March 12 at 11, District Court of Bankruptcy, Leeds, div.

### CERTIFICATES.

To be allowed, unless Cause be shewn to the contrary on the Day of Meeting.

*J. Brooke*, Gooderstone, Norfolk, miller, March 12 at half-past 11, Court of Bankruptcy, London.—*Robt. Tate*, Regent-street, Middlesex, silversmith, March 12 at 12, Court of Bankruptcy, London.—*F. Dixon*, Long-lane, Bermondsey, Surrey, carrier, March 12 at 1, Court of Bankruptcy, London.—*E. Leman*, Church-row, Newington, Surrey, and *Thos. Kineman Bryan*, Old Swan-pier, Upper Thames-street, London, wharfingers, March 10 at 12, Court of Bankruptcy, London.—*C. J. Blunt*, Great Ormond-street, Queen-square, Middlesex, civil engineer, March 10 at 2, Court of Bankruptcy, London.—*J. Howard Rand*, Westminster-bridge-road, Lambeth, Surrey, dealer in glass, March 12 at 1, Court of Bankruptcy, London.—*Rich. Castle*, Twynning, Gloucester, grocer, March 17 at 11, District Court of Bankruptcy, Bristol.—*H. Woodgate*, Kinson, Great Canford, Dorsetshire, horse dealer, March 12 at 1, District Court of Bankruptcy, Exeter.—*G. Walker Gee* and *J. Fearne Gee*, Leeds and Horsforth, Yorkshire, drapers, March 11 at 12, District Court of Bankruptcy, Manchester.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before March 10.

*J. Laidman*, Liverpool, shipowner.—*T. Walker* and *John*

*Walker*, York-road, Lambeth, Surrey, upholsterers.—*John Wake*, Silverstone, Northamptonshire, timber merchant.—*J. Butterworth*, Manchester, plumber.—*D. Berry Smith*, Liverpool, merchant.—*S. Phillips*, Kingston-upon-Hull, hatter.

#### PARTNERSHIPS DISSOLVED.

*John Whittington* and *Charles Castle*, Bristol, attorneys, solicitors, and conveyancers.—*R. Bennett* and *Joshua Dineley*, attorneys and solicitors.

#### SCOTCH SEQUESTRATIONS.

*James Dewar*, Feddal, near Braco, farmer.—*P. Tannahill & Co.*, Paisley, manufacturers.—*Armstrong Munn*, junior, Glasgow, manufacturer.—*Andrew Zuill*, spirit merchant, Glasgow.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Thos. Walton*, White Lion-street, Pentonville, St. James, Clerkenwell, Middlesex, jeweller, March 4 at 11, Court of Bankruptcy, London.—*H. Johnson*, Margate, Kent, carrier, March 4 at 12, Court of Bankruptcy, London.—*W. Bradley*, Canterbury, inspector of police, March 4 at 12, Court of Bankruptcy, London.—*J. Darnell*, Row, Great Yarmouth, Norfolk, fish curer, March 4 at 12, Court of Bankruptcy, London.—*J. Benton*, Goulden-terrace, Barnsbury-road, Pentonville, Middlesex, out of business, March 4 at 12, Court of Bankruptcy, London.—*Maria Theresa D'Asmar*, King-street, Portman-square, Mary-le-bone, Middlesex, spinster, March 4 at 11, Court of Bankruptcy, London.—*Josh. Aguilar*, White Hart-street, Kennington-lane, Surrey, gentleman, March 4 at 12, Court of Bankruptcy, London.—*Matthew Snow*, Granby-place, Lambeth, general dealer, March 7 at 12, Court of Bankruptcy, London.—*G. Cresswell*, Ipswich, Suffolk, perfumer, March 7 at 12, Court of Bankruptcy, London.—*J. Andrews Varndell*, Bentley, Hants, cattle dealer, March 7 at half-past 11, Court of Bankruptcy, London.—*J. Peers Bateman*, Earl's court-terrace, Old Brompton, Middlesex, book-keeper, March 7 at 12, Court of Bankruptcy, London.—*T. Webb Wright*, Wellington-terrace, Spring-place, Wandsworth-road, Surrey, out of business, March 7 at 12, Court of Bankruptcy, London.—*T. Elkington*, East Sheen, Mortlake, Surrey, railway contractor, March 7 at half-past 11, Court of Bankruptcy, London.—*Ch. Geary* the younger, Upper Ebury-street, Fimlico, Middlesex, general agent, March 7 at half-past 12, Court of Bankruptcy, London.—*S. Taylor*, Jamaica-terrace, Commercial-road, Middlesex, tailor, Feb. 26 at 12, Court of Bankruptcy, London.—*W. Young*, Bath, gardener, March 3 at 11, District Court of Bankruptcy, Bristol.—*Hill Purnell*, Glamorgan, farmer, March 5 at 11, District Court of Bankruptcy, Bristol.—*J. Purnell*, Tregare, Monmouth, farmer, Feb. 26 at half-past 12, District Court of Bankruptcy, Bristol.—*J. Robt. Pullen*, Bristol, Saddler, March 5 at 12, District Court of Bankruptcy, Bristol.—*Wm. Boodle*, Cheltenham, Gloucestershire, currier, March 16 at 1, District Court of Bankruptcy, Bristol.—*T. Davies*, Glanminis, Llandingat, Carmarthenshire, out of business, March 5 at 12, District Court of Bankruptcy, Bristol.—*Rich. West*, Cowick, near Snaith, Yorkshire, shoemaker, Feb. 25 at 11, District Court of Bankruptcy, Leeds.—*J. Rishworth*, Pontefract, Yorkshire, hat manufacturer, Feb. 25 at 11, District Court of Bankruptcy, Leeds.—*J. Crabtree* the elder and *J. Crabtree* the younger, Stansfield, Halifax, Yorkshire, sawyers, Feb. 25 at 11, District Court of Bankruptcy, Leeds.—*Isaac Turner*, Morley, Yorkshire, cloth manufacturer, Feb. 24 at eleven, District Court of Bankruptcy, Leeds.—*J. Pearson*, Shire-bottom, Golcar, Huddersfield, Yorkshire, farmer, Feb. 24 at 11, District Court of Bankruptcy, Leeds.—*J. Richards*, Sheffield, Yorkshire, beerhousekeeper, Feb. 24 at 11, District Court of Bankruptcy, Leeds.—*A. Riley*, Tadcaster, Yorkshire, innkeeper, Feb. 24 at 11, District Court of Bankruptcy, Leeds.—*J. Campbell*, Hunslet, near Leeds, Yorkshire, green grocer, Feb. 24 at 11, District Court of Bankruptcy, Leeds.—*I. J. Woodward*, Liverpool, grocer, Feb. 27 at 11, District Court of Bankruptcy, Liverpool.—*R. Morris*, Liverpool, clerk to an estate agent, Feb. 27 at half-past 12, District Court of Bankruptcy, Liverpool.—*Henry Tennant*, Shrewsbury, Salop, butcher, Feb. 28 at half-past ten, District Court of Bankruptcy, Birmingham.—*Elizabeth Barlow*, Hulme, Manchester, spinster, licensed victualler, Feb. 23 at 12, District Court of Bankruptcy, Manchester.—*E. Wilson*, Ashton-under-Lyne, Lancaster, cotton rover, Feb. 28 at 12, District Court of Bank-

ruptcy, Manchester.—*T. Oates*, Yorkshire, dealer in hats, Feb. 24 at 11, District Court of Bankruptcy, Leeds.—*S. Taylor*, Golcar, Huddersfield, Yorkshire, woollen manufacturer, Feb. 24 at 11, District Court of Bankruptcy, Leeds.—*J. Metcalfe*, Manningham, Bradford, Yorkshire, tea dealer, Feb. 25 at 11, District Court of Bankruptcy, Leeds.—*Edw. Brunton*, Old-street, St. Luke's, Middlesex, cabinet maker, Feb. 21 at 12, Court of Bankruptcy, London.—*J. Smith*, St. James Barton, accountant, March 9 at 11, District Court of Bankruptcy, Bristol.

*Saturday, Feb. 14.*

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*Thomas Evans*, Coed cu faur, Lanow, Carmarthenshire, farmer, No. 66,622 C.; *John Okey Brown* and *Thos. Barton Sneed*, assignees.

*Saturday, Feb. 14.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Thomas Alexander Evans*, George-street, Bagnigge-wells-road, Clerkenwell, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Thomas Francis*, James-street, Poplar New-town, Poplar, Middlesex, carpenter: in the Debtors Prison for London and Middlesex.—*C. Wright*, Upper Rathbone-place, St. Marylebone, Middlesex, cabinet maker: in the Debtors Prison for London and Middlesex.—*Benj. Pearson*, East-street, Lamb's Conduit-street, Middlesex, dealer in wash leather: in the Debtors Prison for London and Middlesex.—*Francis Clarke*, Upper Kennington-place, Upper Kennington-lane, Surrey, baker: in the Gaol of Surrey.—*Francis Boyle Garty*, Elizabeth-place, Brixton-road, Surrey, surgeon: in the Queen's Prison.

*(On Creditor's Petition).*

*H. Nias*, Edmonton, Middlesex, surgeon: in the Queen's Prison.

*(On their own Petitions).*

*Jonathan Swann*, Norwich, victualler: in the Gaol of Norwich.—*Thomas Palmer*, Birmingham, attorney: in the Gaol of Warwick.—*Charles Checkley*, Napton-on-the-Hill, Warwickshire, labourer: in the Gaol of Warwick.—*John Bailey Moss*, Bristol, plasterer: in the Gaol of Bristol.—*William Mayner*, Birmingham, labourer: in the Gaol of Warwick.—*Felix Murphy*, Liverpool, out of business: in the Gaol of Liverpool.—*James Grimes*, Liverpool, plasterer: in the Gaol of Liverpool.—*John Cashin*, Liverpool, tailor: in the Gaol of Liverpool.—*William Grantham*, Kingston-upon-Hull, hosier: in the Gaol of Kingston-upon-Hull.—*John M. Garner*, Liverpool, wheelwright: in the Gaol of Liverpool.—*William Bevis*, Newport, Isle of Wight, Southampton, cabinet maker: in the Gaol of Winchester.—*Robert Owen*, Swansea, Glamorganshire, out of business: in the Gaol of Gower.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Thursday, Feb. 5, at 9.*

*John Hiscock*, New Church-street West, Edgeware-road, Marylebone, Middlesex, grocer.—*Thos. Cook Kitchen*, City-garden-row, City-road, Middlesex, dealer in books.—*Richard Rowe*, Vauxhall-place, South Lambeth, Surrey, carpenter.—*George Saunders*, Hanworth, near Hounslow, Middlesex, carpenter.—*Richard Adams*, Denmark-street, Islington, Middlesex, out of business.—*Frederick Inlay*, Clayland-road, Clapham-road, Kennington, Surrey, tailor.—*E. Richardson*, New-terrace, Mile-end-road, Middlesex, commission agent.—*Thomas Peachey*, Rathbone-place, St. Marylebone, Middlesex, out of business.

*Court-house, BACON, Brecknockshire, Feb. 27 at 10.*

*Philip Saunders*, Velindre, Glasbury, labourer.

*Court-house, CANTERBURY, (City), Feb. 28 at 10.*

*Wm. Kingland*, Canterbury, carpenter.

*Court-house, CARMARTHEN, March 2 at 10.*

*John Williams*, Carmarthen, out of business.

*Court-house, LANCASTER, (County), March 3 at 10.*

*James Kearsley*, Chorley, calico printer.—*Wm. Kearsley*, Chorley, calico printer.—*Elizabeth Kearsley*, Chorley, widow, out of business.—*John Brindle*, Chorley, out of business.—*Margaret Law*, Chorley, housekeeper.—*James Standrin*, Little Moss, near Ashton-under-Lyne, out of business.—*Jas.*

Garry, Manchester, ironfounder.—James Tully, Liverpool, master mariner.—Isaac Knight, Manchester, accountant.—Thos. B. W. Rowley, Ulverstone, attorney at law.—Robert Riding, Holcombe-moor Colliery, near Bury, coal proprietor.—George Lake, Chorlton-upon-Medlock, Manchester, general agent.—George Jackson, Salford, Manchester, out of business.—Hugh Worthington, Lancaster, carter.—Henry Lacey, Liverpool, bookseller.

**March 4, at the same hour and place.**

Thomas Hale, Standish, collier.—Richard Moorhouse, Height-side, near Padibam, cattle dealer.—Thos. Clarkson, Dunsdale Pilling, near Garstang, farmer.—Mary Dean, Liverpool, servant.—Eliz. Standfield, Manchester, butcher.—Geo. Drake, Salford, out of business.—James Walker, Manchester, butcher.—George Heap the elder, Blackburn, joiner.—Jm. Broadley, Rochdale, labourer.—Saml. Newton, Hulme, Manchester, carter.—Ralph Pearson, Chorley, grocer.—Rich. Clarke, Hollinwood, near Oldham, green grocer.—D. Beckwith, Liverpool, out of business.—Wm. Bell, Liverpool, commission agent.—George Knowles, Chorlton-upon-Medlock, Manchester, shopkeeper.—Sidney Hellewell, Manchester, out of business.

**March 5, at the same hour and place.**

Samuel Alcock, Manchester, shoemaker.—Lawrence Fitzsimmons, Manchester, stone mason.—Humphrey Dyson, Manchester, pork butcher.—James Smith, Blackburn, painter.—Wm. L. Luce, Salford, out of business.—Wm. Hall, Oldham, wheelwright.—Septimus Dobson, Chorlton-upon-Medlock, out of business.—Wm. Barlow, Oldham, out of business.—John Harris, Manchester, brickmaker.—Jas. Turley, Ardwick, Manchester, out of business.

Court-house, HUNTINGDON, (County), March 5 at 10.

Edw. Bristow, Cheshunt, Hertfordshire, stage coachman.

Court-house, MAIDSTONE, Kent, March 3 at 10.

Richard Sewell, Buckland, near Dover, plumber.—Henry Bratry, Upper Sydenham, Lewisham, baker.—Wm. Cassell, Gravesend, out of business.

Court-house, CAMBRIDGE, (County), March 4 at 10.

Wm. B. Buller, Over, surgeon.—Henry Jones, Whittlesey, Isle of Ely, labourer.—Wm. Horsley, Soham, carpenter.—G. Pease, Littleport, Isle of Ely, retailer of beer.

**INSOLVENT DEBTORS' DIVIDENDS.**

A. B. Davies, Crowlink, Coast Guard Station, near Seaford, Sussex, mate in royal navy: 4s. 9d. in the pound.—J. T. Fates, Greenwich, Kent, lieutenant in the royal navy: 2s. 0½d. in the pound.—Edw. Taylor Weale, Kingston-upon-Hull, commander in the royal navy: 2s. 3d. in the pound.—Thos. Ayres Phillips the younger, Salford, Lancashire, letter-press printer: 10d. in the pound.—Daniel Dunnett, Shipdham, Norfolk, blacksmith: 1s. 6½d. in the pound.—R. Williams, Greta-hall, Dumfries-shire, Scotland, out of business: 6s. 8d. in the pound, (making with former divs. 20s.)—Geo. Bentley, Patching, near Arundel, Sussex, wood cutter: 2s. 1d. in the pound.—Benjamin Kitch, Warwick-street, Golden-sq., Middlesex, out of business: 6½d. in the pound.—G. Eustace, Wormwood-street, Bishopsgate-st., London, cheesemonger: 10½d. in the pound.—Charles Ellis, Church-terrace, Waterloo-road, Surrey, potato salesman: 3s. 6½d. in the pound.

Apply at the Provisional Assignee's Office, Portugal-street, Lincoln's-inn-fields, between the hours of 10 and 1.

Wm. Bullock, Newcastle-under-Lyme, Staffordshire, ironmonger, Feb. 25, Egginton's, Wolverhampton 5s. 7½d. in the pound.—Nath. Fulcher, College-terrace, Chelsea, builder, Feb. 16, Forster's, 5, Vigo-street, Regent-street: 1s. 6d. in the pound.—Edward Todman, Queen's-row, Kennington, die engraver, Feb. 16, Cutler's, 8, Bell-yard, Doctors'-commons: 5½d. in the pound.

**MEETING.**

Aaron Cloke, Ewhurst, Sussex, miller, March 9 at 4, Lung-ham's, 10, Bartlett's-buildings, Holborn, sp. affairs.

**FRIDAY, FEBRUARY 20.**

**BANKRUPTS.**

ABRAHAM TREBOUT the younger, Steward-street, Spitalfields, Middlesex, silk manufacturer, dealer and chapman, Feb. 27 at 11, and April 3 at 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Smith & Taylor, Basinghall-street.—Fiat dated Feb. 11.

JAMES HARRISS, Leadenhall-market, London, butcher, Feb. 27 at half-past 1, and April 3 at 2, Court of Bankruptcy, London: Off. Ass. Alsager; Sol. Withington, 2, Dean-st., Finsbury-square.—Fiat dated Feb. 14.

HENRY DOCKER, Pall-mall, Middlesex, oilman and wax chandler, dealer and chapman, March 5 at 12, and March 31 at half-past 12, Court of Bankruptcy, London: Off. Ass. Turquand; Sol. Goren, South Molton-street.—Fiat dated Feb. 17.

CHARLES COLLINS, Kidderminster, Worcestershire, and King William-street, and Adelaide-place, London, yarn and commission agent, dealer and chapman, March 14 at half-past 1, and April 3 at 12, Court of Bankruptcy, London: Off. Ass. Belcher; Sol. Dangerfield, Chancery-lane.—Fiat dated Feb. 10.

ROWLAND HILL BLACKER and CHARLES EARITH the younger, Gresham-street, London, warehousemen, March 3 at 2, and March 31 at 12, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Sole & Co., Alderman-bury.—Fiat dated Feb. 12.

JOHN DALTON, Wandsworth, Surrey, grocer and cheesemonger, March 5 at half-past 11, and March 31 at 1, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Blake, 79, Blackfriars-road, Southwark.—Fiat dated Feb. 18.

JAMES KNOX, Black Horse-yard, Bond-street, Middlesex, carpenter, March 3 and April 7 at 11, Court of Bankruptcy, London: Off. Ass. Groom; Sol. Goren, South Molton-street, Oxford-street.—Fiat dated Feb. 17.

ROBERT KIMPTON, Crescent, Jewin-street, Cripplegate, London, jeweller, Feb. 27 at half-past 12, and March 27 at 2, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Goodman & Co., Coleman-street.—Fiat dated Feb. 19.

THOMAS MAGINNIS TAYLOR, Newcastle-upon-Tyne, merchant, March 5 at 11, and April 7 at 2, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Wakley; Sols. Harle, Newcastle-upon-Tyne; Chisholme & Co., 64, Lincoln's-inn-fields, London.—Fiat dated Feb. 16.

JAMES BIRKETT, Cockermouth, Cumberland, tanner, dealer and chapman, Feb. 27 and April 8 at 2, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Cram, Newcastle-upon-Tyne; Waugh, Cockermouth.—Fiat dated Feb. 10.

JOSEPH PHILLIPS, WILLIAM HAGUE, and SAMUEL HAGUE, Manchester, cotton spinners, dealers and chapmen, (lately carrying on business at Manchester, as commission agents, under the firm of Joseph Phillips & Co.), March 3 and 25 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Laces & Co., Liverpool; Sharp & Co., Bedford-row, London.—Fiat dated Feb. 9.

CHARLES COLLINS, Kidderminster, Worcestershire, yarn dealer and yarn agent, dealer and chapman, March 14 and 30 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Boycott, Kidderminster; Motteram & Knowles, Birmingham.—Fiat dated Feb. 11.

JOHN CHOYCE CHAMBERS, Ipsley, Warwickshire, needle manufacturer, March 2 and 30 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Browning, Redditch; Nelson & Co., Gresham-place, London.—Fiat dated Feb. 16.

JAMES MILLNER, Stourport, Worcestershire, innkeeper, dealer and chapman, March 2 and April 3 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sols. Ludlow, Birmingham; Dimmock & Burbey, Sise-lane, London.—Fiat dated Feb. 9.

EDWIN HOARE, Charfield, Gloucestershire, foreman and servant to clothiers, March 9 at 12, and April 6 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sol. Adey, Wootton-under-Edge, Gloucestershire.—Fiat dated Feb. 16.

**MEETINGS.**

Wm. Cross, Chester, lead merchant, Feb. 27 at 12, District Court of Bankruptcy, Liverpool, pr. d.—John Milne, Liverpool, painter, March 13 at 12, District Court of Bankruptcy, Liverpool, pr. d.—Samuel Abbott, Nether Stowey, Somersetshire, linen draper, March 26 at 1, District Court of Bankruptcy, Manchester, last ex.—Fred. Whitworth, Shawforth, Rochdale, Lancashire, cotton manufacturer, March 4 at 12, District Court of Bankruptcy, Manchester, last ex.—R. W. Sheppard, Ensham, Oxfordshire, innkeeper, March 7 at 1, Court of Bankruptcy, London, aud. ac.—George Graham, Thomas Adams, and M. B. Macfarlane, Cheapside, London,

calico printers, March 14 at 12, Court of Bankruptcy, London, and. ac.—*James Sisley*, Margate, Isle of Thanet, Kent, carpenter, March 10 at half-past 2, Court of Bankruptcy, London, and. ac.—*Christopher Blackmore*, Cork-street, Middlesex, tailor, March 10 at half-past 2, Court of Bankruptcy, London, and. ac.—*W. L. Brown*, Liverpool, merchant, March 13 at 11, District Court of Bankruptcy, Liverpool, and. ac.—*Henry Liptrop*, Wrexham, Denbighshire, shoemaker, March 13 at 12, District Court of Bankruptcy, Liverpool, and. ac.—*Thomas Humphrey* the elder, and *Thomas Humphrey* the younger, Kingston-upon-Hull, shipwrights, March 21 at 11, District Court of Bankruptcy, Leeds, and. ac.; March 26 at 11, div.—*George Smith*, Manchester, bill broker, March 16 at 12, District Court of Bankruptcy, Manchester, and. ac.—*James Hulme*, Manchester, paper dealer, March 12 at 12, District Court of Bankruptcy, Manchester, and. ac.; March 13 at 12, div.—*Richard Allinson*, Whitehaven, Cumberland, ironmonger, March 13 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac.; March 17 at 12, fin. div.—*Thos. Tomkinson*, Leek, Staffordshire, farmer, March 14 at 12, District Court of Bankruptcy, Birmingham, and. ac.—*Hen. Merriew*, Coventry, ribbon manufacturer, March 17 at 11, District Court of Bankruptcy, Birmingham, and. ac.—*John Hilton*, Tipton, Staffordshire, currier, March 17 at 11, District Court of Bankruptcy, Birmingham, and. ac.—*Thos. Millward*, Epperstone, Nottinghamshire, miller, March 17 at 11, District Court of Bankruptcy, Birmingham, and. ac.—*J. P. Horton*, West Bromwich, Staffordshire, engine boiler maker, March 17 at 11, District Court of Bankruptcy, Birmingham, and. ac.—*Anth. Smelt*, Melton Mowbray, Leicestershire, linen draper, March 17 at 11, District Court of Bankruptcy, Birmingham, and. ac.—*Richard Gough*, Stourbridge, Worcestershire, worsted dealer, March 17 at 11, District Court of Bankruptcy, Birmingham, and. ac.—*Robert Pettigrew* the younger, Mulgrave-place, Woolwich, Kent, tailor, March 13 at 1, Court of Bankruptcy, London, div.—*Hen. Harris*, Champion-grove, Camberwell, and Cole-street, Dover-road, Surrey, hide salesman, March 13 at half-past 12, Court of Bankruptcy, London, div.—*Isaac Hague*, *William Miller*, and *Wm. T. Grant*, New Crane Iron-works, Wapping-wall, Middlesex, engineers, March 13 at 1, Court of Bankruptcy, London, fin. div. sep. est. *I. Hague*.—*John Quy*, Mark's-hall, White Roothing, Essex, dealer in cattle, March 13 at 11, Court of Bankruptcy, London, div.—*Thos. Wilson*, Barnard's Inn, Holborn, Middlesex, money scrivener, March 13 at half-past 1, Court of Bankruptcy, London, div.—*John Maniglier*, Oxford-street, Middlesex, watch maker, March 13 at 12, Court of Bankruptcy, London, div.—*Leonard Watson*, Rickmansworth, Hertfordshire, smith, March 13 at half-past 11, Court of Bankruptcy, London, div.—*Thomas Chapman*, Tottenham-court-road, and Grove-farm, Kentish-town, Middlesex, dairyman, March 13 at 2, Court of Bankruptcy, London, div.—*Wm. Clarkson*, Redcross-st., London, boot manufacturer, March 13 at 11, Court of Bankruptcy, London, div.—*Wm. Perkins*, Common-hard, Portsea, Southampton, upholsterer, March 13 at 12, Court of Bankruptcy, London, div.—*James Maynard*, Panton-street, Haymarket, Middlesex, bookseller, March 13 at 1, Court of Bankruptcy, London, div.—*Wm. Young*, Milford Nursery, near Godalming, Surrey, nurseryman, March 4 at half-past 1, Court of Bankruptcy, London, div.—*Thos. Ellis*, Wisbech St. Peter's, Isle of Ely, Cambridge, shoe maker, March 13 at 1, Court of Bankruptcy, London, div.—*Wm. Ockleston*, Liverpool, hide merchant, March 10 at 12, District Court of Bankruptcy, Liverpool, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Hen. Rose*, Blackburn, Lancashire, drysalter, March 13 at 12, District Court of Bankruptcy, Manchester.—*Jos. Mann*, Warwick, grocer, March 16 at 11, District Court of Bankruptcy, Birmingham.—*Edw. Tomkies*, Shrewsbury, Shropshire, and Manchester, fellmonger, March 17 at 12, District Court of Bankruptcy, Birmingham.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before March 13.*

*Wm. Charity*, Alford, Lincolnshire, builder.—*Job Bradshaw*, St. Alban's, Hertfordshire, draper.—*Peter Loyall*, Kingston-upon-Hull, miller.—*Albany Featherstonhaugh*, Gt. Bolton, Lancashire, butcher.—*Wm. Henry Bond*, Bow-lane,

Cheapside, London, ale merchant.—*Wm. Ashcroft* the elder, Bere-st., Butcher-row, Ratcliffe, Middlesex, cooper.—*Robert Worley*, Newgate-st., London, provision merchant.—*John Thomas*, Bristol, marble mason.—*Anna Maria Johnson*, West Smithfield, London, innkeeper.

#### PARTNERSHIP DISSOLVED.

*Jas. Kine* and *Thos. Martin*, Gracechurch-street, London, attorneys and solicitors.

#### SCOTCH SEQUESTRATIONS.

*John Craig*, jun., Meikleclack, Lochwinnoch, Renfrewshire, farmer.—*And. Moffat*, Edinburgh, stock broker.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Joseph A. Willson*, Old-road, Stepney, Middlesex, baker, Feb. 26 at 12, Court of Bankruptcy, London.—*John Higgs*, Watts-terrace, Old Kent-road, Surrey, cheesemonger, Feb. 26 at 1, Court of Bankruptcy, London.—*Charles G. Anderson*, Spencer-st., Goswell-road, Middlesex, out of employment, Feb. 26 at 1, Court of Bankruptcy, London.—*Jas. G. Jenkins*, Sidmouth, Devonshire, attorney at law, March 4 at 11, District Court of Bankruptcy, Exeter.—*Rob. Reynolds*, Gildabrook, near Eccles, Lancashire, upholsterers' salesman, March 2 at 12, District Court of Bankruptcy, Manchester.—*Hen. Bold*, Burslem, Staffordshire, pimlico maker, March 2 at 12, District Court of Bankruptcy, Birmingham.—*Robert Tindale*, Wingate-grange, Durham, grocer, March 13 at half-past 1, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Rich. Rawlings*, Bishopwearmouth, Durham, tailor, March 9 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Rich. Rimmer*, Liverpool, butcher, Feb. 27 at 11, District Court of Bankruptcy, Liverpool.—*Jas. Jones*, Shortstanding, West Dean, Gloucestershire, mason, March 12 at 11, District Court of Bankruptcy, Bristol.—*Robert Baker*, Llanderenny, St. Bride, Monmouthshire, farmer, March 16 at 11, District Court of Bankruptcy, Bristol.—*Ann Oakley*, Halston, Pontbury, Shropshire, farmer, March 2 at 11, District Court of Bankruptcy, Birmingham.—*Geo. Lindley*, Ranby, East Retford, Nottinghamshire, wheelwright, March 4 at 11, District Court of Bankruptcy, Leeds.

*Wednesday, Feb. 18.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Thomas Wilkinson*, Kensington Gore, Kensington, Middlesex, arbitrator: in the Debtors Prison for London and Middlesex.—*Jos. Lane*, Sydney-place, Stamford-hill, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*S. Smalridge Hore*, Radnor-street, St. Luke's, Middlesex, assistant to a beer-shopkeeper: in the Queen's Prison.—*Josh. Willett*, Monks Coppenthal, near Crewe, Chester, out of business: in Chester Castle.—*John Proctor*, Birkenhead, Chester, slater: in Chester Castle.—*Edw. Ward*, Stockport, Chester, silk weaver: in Chester Castle.—*J. Lister*, Bowling, near Bradford, Yorkshire, stone mason: in York Castle.—*J. Samworth Marshall*, Yelden, Bedfordshire, miller: in the Gaol of Bedford.—*J. Robbins* the younger, Calverton, Bucks, assistant to a victualler: in the Gaol of Aylesbury.—*Edward Baster* the elder, Birmingham, tinman: in the Gaol of Warwick.—*Wm. Brown*, King-street, New-town, Deptford, Kent, tea dealer: in the Gaol of Lewes.—*Benj. Priddy*, Brighton, bricklayer: in the Gaol of Lewes.—*Martha Leake*, Shrewsbury, Salop, innholder: in the Gaol of Shrewsbury.—*David Parry*, Blaينا Iron-works, Monmouthshire, shoe-maker: in the Gaol of Monmouth.—*G. Plummer*, Govilon, near Abergavenny, Monmouthshire, tailor: in the Gaol of Monmouth.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Saturday, March 7, at 9.*

*Thos. Innocent*, High-street, Shadwell, Middlesex, grocer.—*J. Hammond Saunders*, Green-street, Stepney, Middlesex, out of business.—*Henry Toshack*, Devonshire-street, Globe-road, Mile-end, Middlesex, out of business.—*J. Patten*, Paradise-street, Lambeth, Surrey, messenger at the Colonial Office, Downing-street.—*T. Corney*, Sutton, Surrey, cattle salesman.—*T. Hamer Morris*, Beer-lane, Tower-street, London, provision agent.—*John Gustavus Chalk*, Cookham, near Maiden-



head, Berks, attorney at law.—*Samuel Brown*, Poland-street, Oxford-street, Middlesex, print-seller.—*J. Clarke*, Michael's-place, Brompton, Middlesex, surgeon.—*H. Nath. Chapman*, Grove-cottage, Kentish-town, wharfinger.

#### Adjourned.

*Theresa Martin Montgomery*, Old Cavendish-street, Cavendish-square, Middlesex, widow, out of business.

March 9, at the same hour and place.

*David Robert Law*, Upper John-street, White Horse-lane, Mile-end Old-town, Middlesex, out of business.—*C. Wright*, Upper Rathbone-place, Mary-le-bone, Middlesex, cabinet maker.—*T. Walker*, Bermondsey-street, Bermondsey, Surrey, fishmonger.—*J. Nocera* the younger, Devonshire-st., Portland-place, Middlesex, out of business.—*J. Bristolow*, Wardour-st., Soho, Middlesex, cowkeeper.—*John Keating*, Warwick-street, Golden-square, Middlesex, tailor.—*James Dowsett*, Midford-place, Tottenham-court-road, Middlesex, veneer sawyer.—*J. Taylor*, Kingston-upon-Thames, Surrey, hatter.—*J. Woodford*, Rose and Crown-yard, King-street, St. James's, Middlesex, carpenter.—*J. B. Radcliffe*, Blackman-street, Southwark, Surrey, porkman.

Court-house, LIVERPOOL, Lancashire, March 9 at 10.

*John Meldrum Garner*, Toxteth-park, Lancashire, wheelwright.—*J. Cashin*, Liverpool, tailor.—*James Grimes*, Liverpool, slater.—*Felix Murphy*, Liverpool, out of business.—*J. Thursby*, Liverpool, inspector of hackney coaches.—*James McKenna*, Liverpool, out of business.

Court-house, STAFFORD, (County), March 7 at 10.

*Sampson Vaughan*, Dudley, Worcester, smith.—*J. Wright* the younger, Walsall, out of business.—*Hannah Phillips*, Wolverhampton, widow, grocer.—*E. John*, Bilston, miner.

Court-house, SWANSEA, Glamorganshire, March 9 at 10.

*Robert Owen*, Swansea, out of business.

#### INSOLVENT DEBTORS' DIVIDENDS.

*Walter Bullen*, Garden-street, Stepney, Middlesex, locker in her Majesty's Customs: 3s. 10d. in the pound.—*Thomas Piddell*, Penzance, Cornwall, gentleman: 20s. in the pound.—*Peter Smith*, Hoo, near Rochester, Kent, lieutenant commissary of royal artillery drivers: 2s. in the pound.—*William Morris Roberts*, Liverpool, shopman to a tea-dealer: 11½d. in the pound.—*John Rough*, South Ockendon and Orsett, Essex, inspector of the Essex constabulary police force: 6s. in the pound.—*Charles Choak*, Frederick-street, Mile-end-road, Middlesex, master in the Royal Navy: 1s. 2½d. in the pound.—*John Andrews*, Stockbridge, Hampshire, mail contractor: 5½d. in the pound.—*John Hill*, Clarence Cottage, Loughborough-road, Brixton, overseer at a printing-office: 1s. 2d. and one eighth of a penny in the pound.—*W. Spensley*, Horseferry-road, Westminster, cheesemonger: 6d. in the pound.—*J. Marony*, Duke-street, Southwark, paper-hanger: 1s. 6d. in the pound.

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*Robert Younghusband*, Oriel-place, Chelsea, in no business, Messrs. Hine & Robinson, 32, Charterhouse-square: 11s. 5½d. in the pound.—*Geo. Henry Templar*, clerk, Shapwick, near Glastonbury, Feb. 27, Messrs. Roberts & Co., Lombard-street, London: 6s. 6d. in the pound., (making, with former dividends, 20s.)

**MASTERS IN CHANCERY.**—The Lord Chancellor has appointed the following gentlemen Masters Extraordinary in the high Court of Chancery:—*William Slocombe*, of Reading, in the county of Berkshire; *Charles Bulmer*, of Leeds, in the county of Yorkshire; *David Howell*, of Machynlleth, in the county of Montgomeryshire.

The Right Hon. Sir Nicolas Conyngham Tindal, Knt., Lord Chief Justice of the Court of Common Pleas, has appointed Edward Bryan Jones, of Newtown, in the county of Montgomery, Gent., to be one of the Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women, in and for the county of Montgomery, also in and for the counties of Radnor and Salop.

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Privy Council .....	{ H. W. CRIPPS, Esq. of the Middle Temple, Barrister at Law.	Queen's Bench Bail Court { A. V. KIRWAN, Esq. of Gray's Inn, Barrister at Law.	
The Lord Chancellor's Court .....	{ E. T. HOOD, Esq. of the Inner Temple, Barrister at Law.	Court of Common Pleas, including Appeals under Registration of Voters Act.... { D. POWER, Esq. of Lincoln's Inn, Barrister at Law.	
Master of the Rolls Court {	G. Y. ROBSON, Esq. of the Inner Temple, Barrister at Law.	Court of Exchequer .... { W. M. BEST, Esq. of Gray's Inn, Barrister at Law.	
Vice-Chancellor of England's Court ' .....	{ THOMSON EDWARDS, Esq. of the Inner Temple, Barrister at Law.	Ecclesiastical and Admiralty Courts .....	{ J. P. DEANE, D.C.L. of Doctors' Commons.
Vice-Chancellor Knight Bruce's Court.....	{ W. W. COOPER, Esq. of the Inner Temple, Barrister at Law.	Court of Review .....	{ W. W. COOPER, Esq. of the Inner Temple, Barrister at Law.
Vice-Chancellor Wigram's Court .....	{ F. FISHER, Esq. of Lincoln's Inn, Barrister at Law.		

LONDON, FEBRUARY 28, 1846.

Rumours are current that changes of immense extent and importance are contemplated with reference to proceedings in Chancery; changes involving an entire revolution in the system of the Masters' offices, and a transfer to those offices from the superior courts, of the entire department of administrative suits.

The system adopted in proceedings in Chancery is admirable, taken with reference to the subjects for which it was originally destined. But, in the course of time, the jurisdiction of Chancery has, from the extent and flexibility of its powers, and the absence of any other jurisdiction possessing sufficient attributes, been extended to subjects for which it was not originally destined, and for which many of the peculiarities of its procedure are totally unnecessary. At the same time, the class of interests, in reference to which the jurisdiction of Chancery is the only one that the institutions of this country provide for the administration of justice, has become so extended, that a large portion of the business of Chancery now consists of suits of a character requiring, it is true, to be dealt with according to the principles of equity, but not requiring at all the peculiar machinery of equity procedure. And of subjects for suits of this class, an infinite number is left without the protection of any judicial adjudication, because equity, the only jurisdiction at all adapted to deal with them, is inaccessible by reason of its peculiar procedure.

The principal peculiarities of equity are two, one of principle, the other of procedure. The first consists, speaking, of course, in a very general manner, in this: that equity does not confine itself to the consideration of the absolute legal rights of parties, but treats those rights as held for, or controlled by, the liabilities which, in conscience, the parties have intended mutually to

incur. The second, which is, in truth, an inevitable consequence of the first, consists in the practice of compelling the party charged with a wrong, or a liability, to lay open the recesses of his conscience, and divulge all that he knows, or believes, or thinks, in relation to the subject-matter of inquiry. To meet the exigences of these two features of equity jurisdiction, all the machinery of Chancery proceedings has been calculated, and is thoroughly well adapted: not only is it well adapted for the purpose, but, perhaps, it may be said, that no very different system could be found at all practically effective, and, at the same time, bearable, consistently with the ideas and habits of men living under a free government. But when the same system, with all its guards, and checks, and delays, intended to soften and make tolerable the pressure of its inquisitorial character, comes to be applied to cases where there is no fraud, or suspicion of fraud,—no concealment, or thought of concealment,—no necessity for any exercise of inquisitorial powers on the one hand, or of protective delays on the other;—when, in such cases, the long bill, with its charges and inevitable interrogatories, and the minute answer, with its equally inevitable statements and traverses, almost unavoidably repeating each other under the fear of a possible exception, form the foundation of a suit; and the formal state of facts, and affidavits, and written reports, together with long written petitions to the court upon every trifling matter, and references to the Master to inform the court what it ought to do, form the bulky sequel; then it is impossible not to see that a most unnecessarily cumbrous and tedious mode of proceeding is applied to objects for which it was never intended, and for which it is ill adapted.

Where parties differ about the existence of terms of a contract; where persons filling, or believing to fill, a fiduciary character, assert their absolute title, and refuse

to give information which can only be obtained from themselves; where transactions have taken place between men, in which fraud is imputed by the one and denied by the other party;—in these, and the great variety of other instances in which not only are parties hostile to each other, but much that affects the transaction must remain undiscovered, unless the party charged can be put to discharge his conscience by answering a keen inquiry; it is intelligible that a minute string of allegations, followed by an equally minute and inquisitorial string of interrogatories should be necessary; and that all the consequential arrangements of well-considered written evidence, and inquiries addressed to the Masters, and guards against surprise, by the interposition of the court, and the advice and advocacy of counsel at every step, should be not only beneficial, but indispensable, to prevent oppression. But it is not so intelligible how, in a suit in which nothing is required, for instance, but to ascertain who are the persons constituting a particular class described by a testator, or who are the testator's next of kin, and then the decision of the court upon the construction of the will—any useful purpose is answered by a bill, with all the parts of a hostile bill; and several answers; and a hearing, to do nothing but direct the Master to make inquiries; and then inquiries conducted with all the forms of hostile proceedings; and, lastly, a hearing on further directions; the result of the whole being an amount of delay and expense, which effectually prevent the jurisdiction being of any use whatever, where the property in question is not, at the very least, of 500*l.* in value. Suits of this class, and of the purely administrative class, are, it is said, to be entirely withdrawn from the active interference of the court, and are to be wholly disposed of, under a simple order of reference, by the Masters of the Court of Chancery, whose courts are, for that purpose, to be greatly altered in constitution, and to be open to the public. The proposed plans will, doubtless, before long, be brought in detail before Parliament, and till then we shall content ourselves with this brief notice to our equity readers, of the revolutions that they may expect. It cannot be doubted, that alterations in the practice in equity in this direction, if made with even moderate prudence, will be very beneficial to the public; and, while we doubt as little that the great body of the Profession would be ready, for such an object, to make sacrifices, if need be, we do not, at the same time, see any reason to anticipate that a change, simplifying and reducing the expense of proceedings in administrative and amicable suits, would produce any permanently injurious effect upon the status of the Profession.

### Imperial Parliament.

#### HOUSE OF COMMONS.

Wednesday, Feb. 25.

Mr. *Duncombe* moved the second reading of a bill for correcting an error in the Friendly Societies Act. The object of the bill is to obviate the effect of that construction of the act, under which it has been held to be confined to societies for mutual relief in sickness, &c.; and it proposes to insert, after the words in the present act, "for any other purpose not illegal," the words, "whether of the same description as hereinbefore mentioned, or otherwise."

The bill was read a second time, and ordered to be committed on Wednesday next.

### THE DOCTRINE OF EQUITY AS TO PARTIAL PERFORMANCE OF AN AGREEMENT.

A very recent decision (*Rolfe v. Rolfe*, ante, p. 61) appears to establish an important distinction in reference to the doctrine of those cases, in which it has been held, that equity will not decree an agreement to be specifically performed, unless it can execute the whole of the agreement, and that, when it cannot execute the whole agreement, it will not restrain by injunction breach of a negative covenant calculated to protect the positive branch of the agreement. (*Kemble v. Kean*, 6 Sim. 333; *Kimberley v. Jennings*, Id. 340; *Hills v. Croll*, 9 Jur. 645). The qualification engrafted by *Rolfe v. Rolfe*, upon the doctrine of these cases, or, to speak more accurately, the distinction shewn by that case to be not inconsistent with them, is this: that, if the agreement is not strictly one entire agreement, but the quasi agreement, constituted by the covenant not to do some particular thing, can be considered as a distinct and separate agreement, and if the bill does not pray specific performance of the compound agreement, but only an injunction to restrain the breach of the negative covenant, then equity may interfere by injunction to enforce that distinct part of the agreement which is protected by a covenant to abstain from doing certain things, although it may see that it has no power to enforce the specific performance of the other part of the agreement, consisting of a positive agreement to do something.

In *Kimberley v. Jennings* (6 Sim. 340) there were certain stipulations, intended to be of a positive character, but too vaguely expressed to be capable of being specifically executed; and a certain other stipulation in the nature of a covenant not to do particular acts. The court was of opinion, that the two agreements were blended and dependant upon each other; and, therefore, although the bill did not in that case pray specific performance, but only, as in *Rolfe v. Rolfe*, an injunction to restrain a breach of the covenant, it was held, that such a bill could not be sustained, because, among other reasons, it was not such an agreement as the court could perform in the whole, and, therefore, it could not perform any part of it.

In *Kemble v. Kean* (6 Sim. 333) the court also appears to have considered the negative provision of the compound agreement, as inseparable from, and a mere auxiliary to, the positive provision. In that case the bill prayed specific performance of the whole agreement, and an injunction in the meantime; so that it is, on both points, distinguishable from *Rolfe v. Rolfe*.

In the very recent case of *Hills v. Croll* (9 Jur. 645) the terms of the agreement were expressed in a rather complicated way; but, in substance, it came to this: that Hills agreed to supply Croll with acids, and Croll agreed to purchase from Hills and from no other person. The bill prayed a specific performance of the agreement, and an injunction in the meantime to restrain Croll from purchasing acids from any one but the plaintiff. Lord Lyndhurst said, the court had no power to compel Hills to manufacture acids; and, therefore, as the agreement could not in its entirety be performed, the court would not compel a specific performance by injunction of any part.

Nothing fell from the Lord Chancellor, in *Hills v. Croll*, to shew that he considered the two branches of the agreement inseparable, or that he attached any importance to the question, whether they were or were not separate. And it may be thought, that, in fact, the two branches of the agreement were as separable as were those of the agreement in *Rolfe v. Rolfe*; for an agreement between A. and B., that A. shall purchase certain things of B., unless it involves in itself an agreement that B. shall sell them to A., (*Pordage v. Cole*, 1 Saund. 319 h), does not seem at all necessarily de-

pendant upon any further covenant in the instrument, that B. shall sell to A. It might be the intention of the agreement that A. should undertake, by a distinct covenant, to purchase of B., if he purchased at all, whether B. was bound to sell, or not. However, this question does not seem to have been in any way presented to, or considered by, the court, in *Hills v. Croll*. But the bill prayed specific performance of the whole agreement, and in that it differs from *Rolfe v. Rolfe*.

In *Hooper v. Brodrick*, (11 Sim. 47), which was cited in *Rolfe v. Rolfe*, the point did not arise. That was not a case in which there was a positive covenant to do something, protected by a negative covenant that the covenantor should not do acts inconsistent with the performance of the positive agreement; but a case in which there was merely a positive covenant by the assignee of premises used as an inn, that he would use and keep open the premises as an inn. There was, it is true, a negative covenant, that he should not do any act whereby a license might be forfeited or refused; but that, it is obvious, was not a covenant intended to enforce the actual performance of the covenant to use the house as an inn, but only to enforce his taking care that it should not become impossible for him to use the house according to the covenant; and that was the point upon which the judgment turned. The court held, that it could not enjoin the defendant from not keeping the house open as an inn, which would have been ordering him to keep it open as an inn; but held, that it could restrain him from doing acts which would make it impossible for him to perform his positive covenant.

It certainly is difficult to avoid the impression, that, in *Rolfe v. Rolfe*, the court was struggling to find some distinction, to enable it to escape from the doctrine of the preceding cases. For the agreement by the plaintiffs to employ the defendant as a cutter, which was treated by the court as a separate agreement, was expressed to be in pursuance and further performance of the said agreement, and in consideration of the premises; and, on looking back to the commencement of the instrument, we find that the agreement was, that, in consideration of certain pecuniary equivalents, the plaintiff's father and his brother were to assign their shares in the partnership business to the plaintiff; and the covenant by the defendant not to carry on trade on his own account, was in consideration of the premises, as well as the subsequent agreement by the plaintiff to employ him. It may be contended, therefore, that all the three stipulations, viz. the stipulation for a pecuniary payment, the stipulation that the defendant should not carry on business on his own account, and the stipulation that he should be employed, formed together one consideration of one agreement. The principle of the decision is, however, unaffected by the question, whether the agreements were or not, in fact, distinct; the court having decided the case upon the assumption that they were so, and holding, that, where the two branches of an apparently single agreement are, in substance, distinct, and the bill does not pray specific performance of the whole agreement, but only an injunction to restrain the breach of the negative agreement, the court has jurisdiction to grant such an injunction, notwithstanding the doctrine of *Kimberley v. Jennings*, *Kean v. Kemble*, and *Hills v. Croll*.

The necessary precaution to be kept in view in framing agreements of this sort will, therefore, in future, be to keep the two branches of the agreement, if two branches there must be, as independent as possible; and the struggle, in taking existing cases out of the inconvenient, and, as we humbly venture to think, most inequitable, doctrine of *Kemble v. Kean* and *Kimberley v. Jennings*, will be to shew that the intention was not to make the negative covenant protect the positive one, which would be to connect them; but that

the positive one was meant to enforce some act, and the negative one to prevent the doing of certain other acts, inconsistent (of their own merits, and quite irrespectively of the doing or not doing of the first act) with the views of the parties. It will, we apprehend, be more frequently found practicable to use the precaution with reference to future instruments, than to succeed in the argument with reference to existing ones.

## ON DESCENT AMONGST COPARCENERS.

The attention of the writer of these remarks has been very recently drawn to a point in the law of descent amongst coparceners, on which, in his opinion, an erroneous doctrine has been propagated.

The point in question is as follows:—Suppose a man to be the purchaser of freehold land, and to die seised of it intestate, leaving two daughters, (say Susanna and Catherine), but no sons. It is clear that the land will then descend to the two daughters, Susanna and Catherine, in equal shares as coparceners. Let us now suppose that the daughter Catherine dies intestate and without having disposed of her moiety in her lifetime, leaving issue one son. Under these circumstances, (supposing the decease of Catherine to have taken place on or after the 1st January, 1834), the question arises, to whom shall the inheritance descend? The act to amend the law of inheritance enacts, "that in every case descent shall be traced from the purchaser." In this case Catherine is clearly not the purchaser, but her father; and the descent of Catherine's moiety is accordingly to be traced from him. Who, then, as to this moiety, is his heir? Supposing that, instead of the moiety in question, some other land were, after Catherine's decease, to be given to the heir of her father, such heir would clearly be Susanna, the surviving daughter, as to one moiety of the land, and the son of Catherine as to the other moiety. It has been argued, then, that the moiety which belonged to Catherine, by descent from her father, must, on her decease, descend to the heir of her father, in the same manner as other land would have done had she been dead in her father's lifetime; that is to say, that one moiety of Catherine's moiety will descend to her surviving sister Susanna, and the other moiety of Catherine's moiety will descend to her son. This view of the case appears to have been first promulgated by a writer in the Law Magazine, in a review of the last edition of Sir Edward Sugden's Vendors and Purchasers, (23 Law Mag. 279). It was afterwards sanctioned by Mr. Hayes, who states the same doctrine in the last edition of his valuable introduction to conveyancing, (1 Hayes's Conv. 314). It appears again in Mr. Sweet's edition of Messrs. Jarman and Bythewood's Conveyancing, (vol. 1, p. 139), where an argument of considerable length will be found in support of it; and it has been subsequently adopted by Mr. Joshua Williams in his Principles of the Law of Real Property, p. 80. With deference to those gentlemen, the writer contends, that, on the decease of Catherine, her moiety will not descend equally between her surviving sister and her own son, but will descend entirely to her son.

In order to arrive at our conclusion, it will be necessary to inquire, first, into the course of descent of an estate tail, under the circumstances above described, according to the old law; secondly, into the course of descent of an estate in fee simple, according to the old law, supposing the circumstances as above described, with this qualification, that neither Susanna nor Catherine shall be considered to have obtained any actual seisin of the lands. And, when these two points shall have been satisfactorily ascertained, we shall then be in a better position to place a correct interpretation on the

act by which the old law of inheritance has been endeavoured to be amended.

First, then, as to the course of descent of an estate tail according to the old law. Let us suppose lands to have been given to the purchaser and the heirs of his body. On his decease his two daughters, Susanna and Catherine, are clearly the heirs of his body, and as such will accordingly have become tenants in tail each of a moiety. Now, there is no proposition more frequently asserted in the old books than this: that the descent of an estate tail is per formam doni to the heirs of the body of the donee. On the decease of one heir of the body, the estate descends not to the heir of such heir, but to the heir of the body of the original donee per formam doni. Suppose, then, that Catherine should die, her moiety would clearly have descended, by the old law, to the heir of the body of her father, the original donee in tail. Whom, then, under the above circumstances, did the law consider to be the heir of his body quoad this moiety? The Tenures of Littleton, as explained by Lord Coke's Commentary, supply us with an answer. Littleton says, "Also, if lands or tenements be given to a man in tail who hath as much land in fee simple, and hath issue two daughters, and die, and his two daughters make partition between them, so as the land in fee simple is allotted to the younger daughter, in allowance for the lands and tenements in tail allotted to the elder daughter; if, after such partition made, the younger daughter alieneth her land in fee simple to another in fee, and hath issue a son or daughter, and dies, the issue may enter into the lands in tail, and hold and occupy them in purparty with her aunt." (Litt., sect. 260). On this case Lord Coke makes the following comment:—"The eldest coparcener hath, by the partition, and the matter subsequent, barred herself of her right in the fee-simple lands, insomuch as when the youngest sister alieneth the fee-simple lands and dieth, and her issue entereth into *half the lands entailed*, yet shall not the eldest sister enter into half of the lands in fee simple upon the alienee." (Co. Litt. 172. b.) It is evident, therefore, that Lord Coke, though well acquainted with the rule that an estate tail should descend per formam doni, yet never for a moment supposed, that, on the decease of the younger daughter, her moiety would descend half to her sister, and half to her issue; for he presumes, of course, that the issue would enter into *half the lands entailed*, that is, into the whole of the moiety of the lands which had originally belonged to their mother. After the decease of the younger sister, the heirs of the body of her father were no doubt the elder sister and the issue of the younger; but, as to the moiety which had belonged to the younger sister, this, as clearly, was not the case: the heir of the body of the father to inherit this moiety was exclusively the issue of such younger daughter, who were entitled to the whole of it in the place of their parent. This incidental allusion of Lord Coke is as strong, if not stronger, than a direct assertion by him of the doctrine; for it seems to shew that a doubt on the subject never entered into his mind.

At the end of the section of Littleton to which we have referred, it is stated that the contrary is holden M., 10 Hen. 6, *scil.*, that the heir may not enter upon the parcener who hath the entailed land, but is put to a formedon. On this Lord Coke remarks, (Co. Litt. 173. a.), that it is no part of Littleton, and is contrary to law, and that the case is not truly vouched, for it is not in 10 Hen. 6, but in 20 Hen. 6, and yet there is but the opinion of Newton, obiter, by the way. On referring to the case in the Year Books, it appears that Yelverton contended, that, if the sister who had the fee simple aliened, and had issue, and died, the issue would be barred from the land entailed by the partition, which would be a mischief. To this Newton replied, "No sir; but he shall have formedon, and shall recover the

half." (Year Book, 20 Hen. 6, 14 a). Newton, therefore, though wrong in supposing that a formedon was necessary, thought, equally with Lord Coke, that a moiety of the land was the share to be recovered. This appears to be the Newton whom Littleton calls (sect. 729) "my master Sir Richard Newton, late Chief Justice of the Common Pleas."

There is another section in Littleton, which, though not conclusive, yet strongly tends in the same direction; namely, section 255, where it is said, that, if the tenements whereof two parceners make partition "be to them in fee tail, and the part of the one is better in yearly value than the part of the other, albeit they be concluded during their lives to defeat the partition, yet, if the parcener who hath the lesser part in value hath issue and die, the issue may disagree to the partition, and enter and occupy in common the other part which was allotted to her aunt, and so the other may enter and occupy in common the other part allotted to her sister, &c., as if no partition had been made." Had the law been, that, on the decease of one sister, her issue were entitled only to an undivided fourth part, it seems strange that Littleton should not have stated that they might enter into a fourth only, and that the other sister might occupy the remaining three-fourths.

In addition to these authorities, there is a modern case, which, when attentively considered, is a clear authority on the same side; namely, *Doe d. Gregory and Geere v. Whichelo*, (8 T. R. 211). This case, so far as it relates to the point in question, was as follows:—Richard Lemmon was tenant in tail of certain premises, and died, leaving issue by his first wife one son, Richard, and a daughter, Martha, and, by his second wife, three daughters, Anne, Elizabeth, and Grace. Richard Lemmon the son, as heir of the body of his father, was clearly tenant in tail of the whole premises during his life. He died, however, without issue, leaving his sister Martha of the whole blood, and his three sisters of the half blood, him surviving. Martha then intermarried with John Whichelo, and afterwards died, leaving John Whichelo the defendant her eldest son and heir of her body. John Whichelo the defendant then entered into the whole of the premises, under the impression, that, as he was heir to Richard Lemmon the son, he was entitled to the whole. In this, however, he was clearly mistaken; for the descent of an estate tail is, as we have said, traced from the purchaser, or first donee in tail, per formam doni. The heirs of the purchaser, Richard Lemmon the father, were clearly his four daughters, or their issue; for the daughters by the second wife, though of the half blood to their brother by the former wife, were, equally with their half-sister Martha, of the whole blood to their common father. The only question then is, in what shares the daughters or their issue became entitled. At the time of the ejectment all the daughters were dead. Elizabeth was dead without issue, whereupon her one equal fourth part devolved, without dispute, on her three sisters, Martha, Anne, and Grace: each of these, therefore, became entitled to one equal third part. Martha, as we have seen, died, leaving John Whichelo the defendant her eldest son and heir of her body. Anne died, leaving James Gregory, one of the lessors of the plaintiff, her grandson and heir of her body; and Grace died, leaving Diones Geere, the other lessor of the plaintiff, her only son and heir of her body. Under these circumstances, an action of ejectment was brought by James Gregory and Diones Geere for two equal third parts of the premises; and they obtained a verdict accordingly for two equal third parts, and neither more nor less. Neither the counsel engaged in the cause, nor the court, seem for a moment to have imagined that they could have been entitled to any other shares. It is evident, therefore, that the court supposed, that, on the decease of Martha,



the heir of the body of the purchaser, *as to her share*, was her son, John Whichelo the defendant; that, on the decease of Anne, the heir of the body of the purchaser, *as to her share*, was James Gregory, her grandson; and that, on the decease of Grace, the heir of the body of the purchaser, *as to her share*, was her son, Diones Geere. On no other supposition can the judgment be accounted for, which awarded one-third of the whole to the defendant John Whichelo, one other third to James Gregory, and the remaining third to Diones Geere. For, let us suppose, that, on the decease of each coparcener, her one-third was divided equally amongst the then existing heirs of the body of the purchaser; and the result will be, that the parties, instead of each being entitled to one-third, would have been entitled in fractional shares of a most complicated kind; unless we presume, which is next to impossible, that all the three daughters died at one and the same moment. It is not stated, in the report of the case, in what order the decease of the daughters took place; but, according to the principle suggested, it will appear, on working out the fractions, that the heir of the one who died first would have been entitled to the largest share, and the heir of the one who died last would have been entitled to the smallest. Thus, let us suppose that Martha died first, then Anne, and then Grace. On the decease of Martha, according to the principle suggested, her son, John Whichelo, would have taken only one-third of her share, or one-ninth of the whole, and Anne and Grace, the surviving sisters, would each also have taken one-third of the share of Martha, in addition to their own one-third of the whole. The shares would then have stood thus: John Whichelo  $\frac{1}{9}$ , Anne  $\frac{1}{3} + \frac{1}{9}$ , Grace  $\frac{1}{3} + \frac{1}{9}$ . Anne now dies. Her share, according to the same principle, would be equally divisible amongst her own issue, James Gregory, and the other heirs of the body of the purchaser, namely, John Whichelo and Grace. The shares would then stand thus: John Whichelo,  $\frac{1}{9} + \frac{1}{9} (\frac{1}{3} + \frac{1}{9})$ ; namely, his own share and one-third of Anne's share,  $= \frac{2}{9}$ . James Gregory,  $\frac{1}{9} (\frac{1}{3} + \frac{1}{9}) = \frac{1}{27}$ ; Grace,  $\frac{1}{3} + \frac{1}{9} + \frac{1}{9} (\frac{1}{3} + \frac{1}{9})$ ; namely, her own share and one-third of Anne's share,  $= \frac{16}{27}$ . Lastly, Grace dies, and her share, according to the same principle, would be equally divisible between her own issue Diones Geere and John Whichelo and James Gregory, the other co-heirs of the body of the purchaser. The shares would then have stood thus: John Whichelo  $\frac{2}{9} + \frac{1}{9} \times \frac{1}{3}$ ; namely, his own share and  $\frac{1}{9}$  of Grace's share,  $= \frac{7}{27}$  of the entirety of the land. James Gregory  $\frac{1}{27} + \frac{1}{9} \times \frac{1}{3}$ ; namely, his own share and one-third of Grace's share,  $= \frac{4}{27}$ . Diones Geere,  $\frac{1}{9} \times \frac{1}{3} = \frac{1}{27}$ . On the principle, therefore, of the descent of the share of each coparcener amongst the co-heirs of the body of the purchaser for the time being, the heir of the body of the one who died first would have been entitled to thirty-seven eighty-first parts of the whole premises; the heir of the body of the one who died next would have been entitled to twenty-eight eighty-first parts; and the heir of the body of the one who died last would have been entitled only to sixteen eighty-first parts. By the judgment of the court, however, the lessors of the plaintiff were entitled each to one equal third part; thus shewing, that, although the descent of an estate tail under the old law was always traced from the purchaser, (otherwise John Whichelo would have been entitled to the whole), yet this rule was qualified by another rule of equal force, namely, that all the lineal descendants of any person deceased should represent their ancestor, that is, should stand in the same place, and take the same share, as the ancestor would have done if living.

2. Let us now inquire into the course of descent of an estate in fee simple, according to the old law, in case the purchaser should have died, leaving two daughters, Susanna and Catherine, neither of whom should have

obtained any actual seisin of the lands; and that one of them (say Catherine) should afterwards have died, leaving issue one son. In this case, it is admitted on all sides, that the share of Catherine would have descended to the heir of the purchaser, and not to her own heir, in the character of heir to her; for the maxim was *seisina facit stipitem*. Had either of the daughters obtained actual seisin, her seisin would have been in law the actual seisin of her sister also; and, on the decease of either of them, her share would have descended not to the heir of her father, but to her own heir, the seisin acquired having made her the stock of descent. In such a case, therefore, the title of the son of Catherine to the whole of his mother's moiety would have been indisputable; for, while he was living, no one else could possibly have been her heir. The supposition, however, on which we are now to proceed is, that neither of the daughters ever obtained any actual seisin; and the question to be solved is, to whom, on the death of Catherine, did her share descend; whether equally between her sister and her son, as being together heir to the purchaser; or whether solely to the son, as being heir to the purchaser quoad his mother's share. In Mr. Sweet's valuable edition of Messrs. Jarman and Bythewood's Conveyancing, (vol. 1, p. 139), it is stated to be "apprehended that the share of the deceased sister would have descended in the same manner as by the recent statute it will now descend in every instance," which manner of descent is explained to be, one-half of the share, or a quarter of the whole only, to the son, and the remaining half of the share to the surviving sister, thus giving her three-quarters of the whole. This doctrine, however, the writer submits, is erroneous; and, in proof of such error, it might be sufficient, simply, to call to mind the fact, that the law of England had but one rule for the discovery of the heir. The heirs of a purchaser were, first, the heirs of his body, and then his collateral heirs; and an estate tail was merely an estate restricted in its descent to lineal heirs. If, therefore, the heir of a person had been discovered for the purpose of the descent of an estate tail, it is obvious that the same individual would also be heir of the same person for the purpose of the descent of an estate in fee simple. No distinction between the two is ever mentioned by Lord Coke or any of the old authorities. Now, we have seen that the heir of the purchaser, under the circumstances above mentioned, for the purpose of inheriting an estate tail, was the son of the deceased daughter solely, quoad the share which such daughter had held; and it would accordingly appear that the heir of the purchaser, to inherit an estate in fee simple, was also the son of the deceased daughter quoad her share. That this was, in fact, the case, appears incidentally from a passage in the Year Books, (35 Hen. 6. 23), where it is stated, that, "If there be two coparceners of a reversion, and their tenant for term of life commits waste, and then one of the parceners has issue and dies, and the tenant for term of life commits another waste, and the aunt and the niece bring a writ of waste jointly, for they cannot sever, and the writ of waste is general, still their recovery shall be special; for the aunt shall recover treble damages for the waste done, as well in the life of her parcener as afterwards, and the niece shall only recover damages for the waste done after the death of her mother, and the place wasted they shall recover jointly. And the same law is, if a man has issue two daughters, and dies seised of certain land, and a stranger abates, and afterwards one of the daughters has issue two daughters and dies, and the aunt and the two daughters bring assize of mort d' ancestor; here, if the aunt recover the moiety of the land and damages from the death of the ancestor, and the nieces recover each one of them the moiety of the moiety of the land, and damages from the death of their mother, still the writ



is general." Here we have all the circumstances required; the father dies seised, leaving two daughters, neither of whom obtains any actual seisin of the land; for a stranger abates, that is, gets possession before them. One of the daughters then dies, without ever having had possession, and her share devolves entirely on her issue, not as heirs to her, for she never was seised, but as heirs to her father quoad her share. The surviving sister is entitled only to her original moiety, and the two daughters of her deceased sister take the mother's moiety equally between them.

There is another incidental reference to the same subject in Lord Coke's Commentary upon Littleton, (Co. Litt. 164. a.): "If a man hath issue two daughters, and is disseised, and the daughters have issue and die, the issues shall join in a præcipe, because one right descends from the ancestor, and it maketh no difference whether the common ancestor, being out of possession, died before the daughters or after, for that, in both cases, they must make themselves heirs to the grandfather which was last seised, and, when the issues have recovered, they are coparceners, and one præcipe shall lie against them." "It maketh no difference," says Lord Coke, "whether the common ancestor, being out of possession, died before the daughters or after." Lord Coke is certainly not here speaking of the shares which the issue would take; but, had any difference in the quantity of their shares been made by the circumstance of the daughters surviving their father, it seems strange that so accurate a writer as Lord Coke should not "herein" have "noted a diversity." The descent is traced to the issue of the daughters not from the daughters, but from their father, the common grandfather of the issue. On the decease of one daughter, therefore, on the theory against which we are contending, the right to her share should have devolved, one-half on her own issue and the other half on her surviving sister; and, on the decease of such surviving sister, her three-quarters should, by the same rule, have been divided, one-half to her own issue and the other half to the issue of her deceased sister; whereas it is admitted, that, had the daughters both died in their father's lifetime, their issue would have inherited in equal shares. Lord Coke, however, remarks no difference whether the father died before or after his daughters. Surely, then, he never could have imagined that so great an inequality in the shares could have been produced by so mere an accident. It should be remembered that the rule of representation for which we are contending is the rule suggested by natural justice, and might well have been passed over without express notice; but, had the opposite rule prevailed, the inequality and injustice of its operation could scarcely have failed to elicit some remark. This circumstance may, perhaps, tend to explain the fact that the writer has been unable, after a lengthened search, to find any authority expressly directed to the point; and yet, when we consider that in ancient times the title by descent was the most usual one, (testamentary alienation not having been permitted), we cannot doubt but that the point in question must very frequently have occurred. In what manner, then, can we account for the silence of our ancient writers on this subject, but on the supposition, which is confirmed by every incidental notice, that, in tracing descent from a purchaser, the issue of a deceased daughter took the entire share of their parent, whether such daughter should have died in the lifetime of the purchaser or after his decease?

Having now ascertained the course of descent among coparceners under the old law, whenever descent was traced from a purchaser, we are in a better situation to place a construction on that clause of the act to amend the law of inheritance, which enacts, "that in every case descent shall be traced from the purchaser." (Stat. 3 & 4 Will. 4, c. 106, s. 2). What was the nature of

the alteration which this act was intended to effect? Was it intended to introduce a course of descent amongst coparceners, hitherto unknown to the law, and tending to the most intricate and absurd subdivision of their shares? or did the act intend merely to say that descent from the purchaser, which had hitherto occurred only in the case of an estate tail, and in the case where the heir to a fee simple died without obtaining actual seisin, should now apply to every case? In other words, has the act abolished the rule, that, in tracing the descent from the purchaser, the issue of deceased heirs shall stand, quoad their entire shares, in the place of their parents? We have seen, that, previously to the act, the rule that descent should be traced from the purchaser, whenever it applied, was guided and governed by another rule, that the issue of every deceased person should, quoad the entire share of such person, stand in his or her place. Why, then, should not the same rule of representation govern descent, now that the rule tracing descent from the purchaser has become applicable to every case? Had any modification been intended to be made of so important a rule for tracing descent from a purchaser, as the rule that the issue, and the issue alone, represent their ancestor, surely the act would not have been silent on the subject. A rule of law clearly continues in force until it be repealed. No repeal has taken place of the rule, that, in tracing descent from a purchaser, the issue shall always stand in the place of their ancestor. It is submitted, therefore, that this rule is now in full operation; and that, although in every case descent is now traced from the purchaser, yet the tracing of such descent is still governed by the rules to which the tracing of descent from purchasers was in former times invariably subject. If this be so, it is clear, then, that, under the circumstances stated at the commencement of this paper, the share of Catherine will descend entirely to her own issue, as heir to the purchaser quoad her share, and will not be divided between such issue and the surviving sister.

It is said, indeed, that, by giving to the issue one-half of the share which belonged to their mother, the rule is satisfied, which requires that the issue of a person deceased shall, in all cases, represent their ancestor; for it is argued that the issue still take one-fourth by representation, notwithstanding that the other fourth goes to the surviving sister, who constitutes, together with such issue, one heir to their common ancestor. This, however, is a fallacy; the rule is, "that the lineal descendants in infinitum of any person deceased shall represent their ancestor, that is, shall stand in the same place as the person himself would have done had he been living." (2 Black. Com. 216). Now, in what place would the deceased daughter have stood had she been living? Would she have been heir to one-fourth only, or would she not rather have been heir to the entire moiety? Clearly to the entire moiety; for, had she been living, no descent of her moiety would have taken place: if, then, her issue are to stand in the place which she would have occupied if living, they cannot so represent her unless they take the whole of her share.

But it is said, again, that the surviving daughter may have aliened her share; and how can the descent of her deceased sister's share be said to be traced from the purchaser, if the survivor, who constitutes a part of the purchaser's heir, is to take nothing? The descent of the whole, it is argued, cannot be considered as traced over again on the decease of any daughter, because the other daughter's moiety may, by that time, have got into the hands of a perfect stranger. The proper reply to this objection seems to be, that the laws of descent were prior in date to the liberty of alienation. In ancient times, when the rules of descent were settled, the objection could scarcely have occurred. Estates tail were kept from alienation by virtue of the Statute De Donis, for about 200 years subsequent to its passing.

Rights of entry and action were also inalienable for a very much longer period. Reversions expectant on estates of freehold, in the descent of which the same rule of tracing from the purchaser occurred, could alone have afforded an instance of alienation by the heir; and the sale of reversions appears to have been by no means frequent in early times. In addition to other reasons, the attornment then required from the particular tenant on every alienation of a reversion, operated as a check on such transactions. It may, therefore, be safely asserted as a general proposition, that, on the decease of any coparcener, the descent of whose share was to be traced from the purchaser, the shares of the other coparceners had not been aliened; and to have given them any part of their deceased sister's share, to the prejudice of her own issue, would have been obviously unfair, and contrary to the natural meaning of the rule, that "every daughter hath a several stock or root." (Co. Litt. 164. b.) If, as we have seen, the rule remained the same with regard to estates tail, notwithstanding the introduction of the right of alienation, (*Doe v. Whitchelo*, ante), surely it ought still to continue unimpaired, now that it has become applicable to estates in fee, which enjoy a still more perfect liberty. Rules of law, which have their foundation in natural justice, should ever be upheld, notwithstanding they may have become applicable to cases not specifically contemplated at the time of their creation.

The writer is one, who, until he had occasion to search narrowly into the authorities, held the opinion he now opposes. He has, therefore, no right to dogmatise; but, if the authorities and reasoning above detailed should have produced the same effect on the mind of the reader, as they have on that of the writer, they will have created a clear conviction, that, with respect to the point above discussed, the mischief and inconvenience which have been attributed to the act, have, in reality, no existence. J. W.

### London Gazette.

TUESDAY, FEBRUARY 24.

#### BANKRUPTS.

**HENRY JOHN TODD** and **EDWARD TODD**, Bow Church-yard, London, and Liverpool, warehousemen, drapers, agents, and co-partners, dealers and chapmen, (trading under the firm of Todd & Co.), March 6 and April 6 at 11, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Soles & Turner, Aldermanbury.—Fiat dated Feb. 18.

**ABRAHAM FREBOUT** the younger, Steward-street, Spitalfields, Middlesex, silk manufacturer, dealer and chapman, Feb. 27 at 11, and April 3 at 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Smith & Taylor, Basinghall-street.—Fiat dated Feb. 11.

**GEORGE MOIR**, John's-row, St. Luke's, Middlesex, boot and shoe maker, March 7 at 11, and April 6 at 12, Court of Bankruptcy, London: Off. Ass. Alsager; Sols. Hughes & Turner, 30, Charles-street, City-road.—Fiat dated Feb. 21.

**CHARLES SELF**, Sun-street, Bishopgate Without, London, plumber, painter, and glazier, dealer and chapman, March 10 at 12, and April 6 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Wright, Cook's-court, Lincoln's-inn.—Fiat dated Feb. 20.

**ROBERT GARLAND**, Walham-green, Middlesex, corn chandler, dealer and chapman, March 3 at half-past 11, and April 7 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Donne, 28, New Broad-street, City.—Fiat dated Feb. 23.

**JONATHAN KNIGHTS**, Great Melton, and Thurgarton, Norfolk, cattle dealer and salesman, March 3 at half-past 1, and April 7 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Jay & Pilgrim, Norwich.—Fiat dated Feb. 17.

**HENRY PEARSON COLES**, Wickham-market, Suffolk, innkeeper, March 5 at half-past 12, and April 7 at 11, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Lewis, Arundel-street, Strand.—Fiat dated Feb. 10.

**WILLIAM KITSON**, White-street, Southwark, Surrey, soap manufacturer, dealer and chapman, March 6 at 12, and March 31 at 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Lofty & Co., King-street, Cheapside.—Fiat dated Feb. 16.

**SAMUEL HOLDSWORTH** and **WILLIAM HOLDSWORTH**, Drighlington, Yorkshire, corn millers, dealers and chapmen, March 9 and April 2 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sols. Taylor & Westmoreland, Wakefield; Gregory & Co., Bedford-row, London.—Fiat dated Feb. 12.

**WILLIAM LONGBOTTOM** and **RALPH BENTLEY**, Rochdale, Lancashire, wool merchants, March 5 and April 4 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Atkinson & Co., Manchester; Abbott, Charlotte-street, London.—Fiat dated Feb. 7.

**WILLIAM ROWLANDSON**, Wakefield, Yorkshire, surgeon and apothecary, March 9 and 30 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Taylor & Westmoreland, Wakefield; Gregory & Co., Bedford-row, London.—Fiat dated Feb. 17.

**STEPHEN VERTUE**, Liverpool, merchant, dealer and chapman, March 13 and April 14 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Sols. Harvey & Falcon, Liverpool; Sharpe & Co., Bedford-row, London.—Fiat dated Feb. 13.

**JOSEPH WALTON**, Liverpool, coal merchant, dealer and chapman, March 3 and April 14 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Vincent & Co., Liverpool; Robinson, Liverpool.—Fiat dated Feb. 18.

**RICHARD KIRBY FRANKISH**, Scarborough, Yorkshire, joiner and builder, and general contractor, dealer and chapman, March 10 and 31 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Kynaston; Sols. Harle, Leeds; Kirk, Symond's-hill, London.—Fiat dated Feb. 16.

**EDWARD STEANE HARLEY**, Birmingham, grocer, dealer and chapman, March 10 and April 3 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sols. Motteram & Knowles, Birmingham.—Fiat dated Feb. 20.

**SAMUEL HUTCHINSON**, Bradford, Yorkshire, stock and share broker, dealer and chapman, March 9 and April 2 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Wood, Bradford; Caris, Leeds; Flower, Bread-st., Cheapside, London.—Fiat dated Feb. 20.

#### MEETINGS.

*Richard Harvey*, Chacewater, Cornwall, grocer, March 18 at 11, District Court of Bankruptcy, Exeter, ch. ass.—*Henry Hall*, Smalesmouth, Greystead, Northumberland, cattle dealer, March 6 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—*G. E. Schultz* and *H. W. Carr*, Liverpool, stock brokers, April 6 at 11, District Court of Bankruptcy, Liverpool, last ex.—*John Leadbeater*, Manchester, merchant, March 9 at 12, District Court of Bankruptcy, Manchester, last ex.—*Wm. Insall*, Shipston on Stour, Worcestershire, auctioneer, March 14 at 11, District Court of Bankruptcy, Birmingham, last ex.—*Wm. Grosvenor*, Shelton, and Hanley, Stoke-upon-Trent, Staffordshire, ironfounder, March 30 at 11, District Court of Bankruptcy, Birmingham, last ex.—*Thos. B. Daft*, Birmingham, button maker, March 28 at 11, District Court of Bankruptcy, Birmingham, last ex.—*John Spong*, Ockham, Surrey, coal merchant, March 19 at 12, Court of Bankruptcy, London, aud. ac.—*Edward Eedle*, Chancery-lane, Middlesex, bookseller, March 19 at 12, Court of Bankruptcy, London, aud. ac.—*Thomas Winston*, Copthall-buildings, London, merchant, March 19 at 12, Court of Bankruptcy, London, aud. ac.—*Wm. Kearton*, Lamb-street, Spital-square, Middlesex, cheesemonger, March 19 at 11, Court of Bankruptcy, London, aud. ac.—*Wm. Gill*, Leadenhall-market, London, poulterer, March 17 at 11, Court of Bankruptcy, London, aud. ac.—*J. S. Williams*, Clement's-lane, Lombard-street, London, master mariner, March 17 at 11, Court of Bankruptcy, London, aud. ac.—*R. G. Spedding*, Queen-street, Cheapside, and Bush-lane, Cannon-street, London, zinc manufacturer, March 17 at half-past 11, Court of Bankruptcy, London, aud. ac.—*James Miller*, Southampton,

cordwainer, March 20 at 11, Court of Bankruptcy, London, aud. ac.—*John Parr*, South-wharf-road, Paddington, Middlesex, coal dealer, March 17 at 11, Court of Bankruptcy, London, aud. ac.—*Henry Le Jeune*, St. Alban's, Hertfordshire, maltster, March 18 at 11, Court of Bankruptcy, London, aud. ac.—*James Cross*, Bristol, provision merchant, March 19 at 11, District Court of Bankruptcy, Bristol, aud. ac.—*Wm. Drinkwater*, Salford, Lancashire, woollen cord manufacturer, March 26 at 12, District Court of Bankruptcy, Manchester, aud. ac.; March 27 at 12, fin. div.—*Wm. Blinkhorn*, Little Bolton, Lancashire, manufacturing chemist, March 17 at 12, District Court of Bankruptcy, Manchester, aud. ac.; March 18 at 12, div.—*J. Goodchild* the elder, *J. Jackson*, *J. Goodchild* the younger, *J. Jackson*, *W. Jackson*, and *T. Jones*, Bishopwearmouth, and Dowgate, London, bankers, March 17 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac. *John Jackson* and *W. Jackson*.—*John Binder*, Moulton, near Spalding, Lincolnshire, coal merchant, March 27 at 11, District Court of Bankruptcy, Birmingham, aud. ac.—*John Wright*, Birmingham, cabinet maker, March 27 at 11, District Court of Bankruptcy, Birmingham, aud. ac.—*John Bennet*, Birmingham, corn dealer, March 27 at 11, District Court of Bankruptcy, Birmingham, aud. ac.—*Wm. Riddle*, Stafford, draper, March 20 at 11, District Court of Bankruptcy, Birmingham, aud. ac.—*Sam. Brothers*, Newcastle-under-Lyme, Staffordshire, currier, March 20 at 11, District Court of Bankruptcy, Birmingham, aud. ac.; March 24 at 11, div.—*William Pitt*, Kidderminster, Worcestershire, grocer, March 24 at 11, District Court of Bankruptcy, Birmingham, aud. ac.—*Thomas Griffiths*, Stoke-upon-Trent, Staffordshire, tailor, March 20 at 11, District Court of Bankruptcy, Birmingham, aud. ac.—*John Boulton*, Redditch, Tardebigg, Worcestershire, needle maker, March 20 at 11, District Court of Bankruptcy, Birmingham, aud. ac.—*Thomas Wenman*, Birmingham, merchant, March 20 at 11, District Court of Bankruptcy, Birmingham, aud. ac.; March 24 at 11, div.—*Joseph Marriage* the younger, Moulsham, Chelmsford, Essex, coal merchant, March 20 at 2, Court of Bankruptcy, London, div.—*Arbuthnot Emerson*, Lower Belgrave-st., Belgrave-square, *Thos. Tripp*, and *Jas. Bens*, Elizabeth-st., Chester-square, Middlesex, distiller, March 17 at 1, Court of Bankruptcy, London, div.—*John Hollingsworth*, Paddington-street, St. Mary-le-bone, Middlesex, butcher, March 19 at half-past 11, Court of Bankruptcy, London, div.—*Robert Petit*, Exning, Suffolk, livery-stable keeper, March 19 at 12, Court of Bankruptcy, London, div.—*John Wooliams*, Charles-st., Manchester-sq., St. Mary-le-bone, Middlesex, builder, March 19 at 11, Court of Bankruptcy, London, div.—*John Hardy* and *Geo. Hardy*, Wisbech St. Peter, Cambridge, grocers, March 19 at half-past 12, Court of Bankruptcy, London, div.—*Chris. Blackmore*, Cork-st., Middlesex, tailor, March 17 at 2, Court of Bankruptcy, London, div.—*Jas. Sisley*, Margate, Isle of Thanet, Kent, carpenter, March 17 at 2, Court of Bankruptcy, London, div.—*George Smith*, Manchester, bill broker, March 17 at 12, District Court of Bankruptcy, Manchester, fin. div.—*Edw. Heron*, Hartlepool, Durham, butcher, March 17 at half-past 1, District Court of Bankruptcy, Newcastle-upon-Tyne, fin. div.—*William B. Briddick*, Durham, dealer in iron, March 17 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, fin. div.—*Wm. Gibb*, Liverpool, soap manufacturer, March 24 at 12, District Court of Bankruptcy, Liverpool, div.—*Geo. Carruthers*, Coventry, Warwickshire, draper, March 24 at 11, District Court of Bankruptcy, Birmingham, div.—*Rich. Gough*, Stourbridge, Worcestershire, worsted dealer, March 24 at 11, District Court of Bankruptcy, Birmingham, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*James Miller*, Southampton, cordwainer, March 20 at 11, Court of Bankruptcy, London.—*John Parr*, South Wharf-road, Paddington, Middlesex, coal dealer, March 17 at 11, Court of Bankruptcy, London.—*Chas. Wadhams*, Charlotte-street, Portland-place, New-road, Middlesex, carpenter, March 17 at 12, Court of Bankruptcy, London.—*John Newburn*, Oxtou, Woodchurch, Cheshire, joiner, March 17 at 11, District Court of Bankruptcy, Liverpool.—*Hen. John Andrews*, Plymouth, Devonshire, apothecary, March 18 at 11, District Court of Bankruptcy, Exeter.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before March 17.*

*Alfred Tulley*, Hackney, Middlesex, grocer.—*John Collins*, Salford, Lancashire, common brewer.—*Hen. P. Gray*, Caroline-st., Eaton-sq., Middlesex, horse dealer.—*Geo. H. Bush*, Edgeware-road, St. Mary-le-bone, Middlesex, upholsterer.—*Wm. Gill*, Leadenhall-market, London, poulterer.

#### SCOTCH SEQUESTRATION.

*Thomas Wilkie*, Edinburgh, grocer.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*John Ryan*, Dalphney-cottage, Chiswick, Middlesex, chemist, March 2 at 12, Court of Bankruptcy, London.—*John S. Witherden*, Margate, ironmonger, March 2 at 11, Court of Bankruptcy, London.—*Wm. R. Kettle*, Vauxhall, Lambeth, Surrey, clerk to a wholesale stationer, March 2 at 11, Court of Bankruptcy, London.—*Thomas Kettle*, Vauxhall-walk, Lambeth, Surrey, clerk to a wholesale stationer, March 2 at 11, Court of Bankruptcy, London.—*John Evans*, Chesham, Buckinghamshire, assistant to a tailor, March 2 at 12, Court of Bankruptcy, London.—*John Ruffey*, Allfarthing, Love-lane, Garrett-lane, Wandsworth, Surrey, tailor, March 2 at 11, Court of Bankruptcy, London.—*Jas. Stewart*, Upper Stamford-street, Blackfriars, Surrey, out of employment, March 2 at 12, Court of Bankruptcy, London.—*Sam. Canham*, Oxford-street, Mile-end Old-town, Middlesex, auctioneer, March 2 at half-past 12, Court of Bankruptcy, London.—*Rob. Bond*, Palace-row, New-road, St. Pancras, Middlesex, hosier, March 5 at 12, Court of Bankruptcy, London.—*Thos. C. Gredorez*, New Kent-road, Newington, Surrey, clerk to a wine merchant, March 5 at 11, Court of Bankruptcy, London.—*Robert E. Bruster*, Southampton, draper, March 10 at 11, Court of Bankruptcy, London.—*Wm. Draper* the elder, Chorbury, Oxfordshire, blacksmith, March 10 at 11, Court of Bankruptcy, London.—*Jas. P. Fenninge*, Park-place, Highbury-vale, Islington, Middlesex, clerk in the Coast-guard Office, Custom-house, London, March 10 at 11, Court of Bankruptcy, London.—*Mary Ryley*, South Molton-st., Hanover-square, Middlesex, milliner, March 10 at 11, Court of Bankruptcy, London.—*Th. Wright*, Liscard, Wallasey, Cheshire, joiner, March 3 at 11, District Court of Bankruptcy, Liverpool.—*Pet. Gorse*, Toxteth-park, Lancashire, market constable, March 3 at 11, District Court of Bankruptcy, Liverpool.—*John Coopey*, Pen-y-ad-vedda, Garway, Herefordshire, out of business, March 2 at half-past 11, District Court of Bankruptcy, Birmingham.—*Geo. Thos. Barker*, Port Mahon, Sheffield, Yorkshire, out of business, March 4 at 11, District Court of Bankruptcy, Leeds.—*Jas. Wm. Merritt*, Warwick, schoolmaster, March 4 at half-past 10, District Court of Bankruptcy, Birmingham.—*Wm. Boufield*, Barnard-castle, Durham, miller, March 13 at half-past 1, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Th. Lofthouse*, Selby, Yorkshire, tea dealer, March 4 at 11, District Court of Bankruptcy, Leeds.—*Edw. Morgan*, New Farm, Lee, Ellesmere, Shropshire, farmer, March 11 at half-past 10, District Court of Bankruptcy, Birmingham.—*Thos. Rees*, Bridgend, Glamorganshire, butcher, March 19 at half-past 11, District Court of Bankruptcy, Bristol.—*Benjamin Veale*, Gloucester, butcher, March 13 at 12, District Court of Bankruptcy, Bristol.—*G. Ellie*, Philadelphia-street, Bristol, carpenter, March 13 at 11, District Court of Bankruptcy, Bristol.—*T. Taylor*, Tockenham, near Wootton Bassett, Wiltshire, brewer, March 12 at 12, District Court of Bankruptcy, Bristol.—*Geo. Dorrington* the younger, Coleford, Newland, Gloucestershire, builder, March 12 at 11, District Court of Bankruptcy, Bristol.—*T. Walters*, Upper Maudlin-street, St. James, Bristol, paper hangers, March 10 at half-past 11, District Court of Bankruptcy, Bristol.—*J. Anthony Walters*, Upper Maudlin-street, St. James, Bristol, paper hanger, March 10 at half-past 11, District Court of Bankruptcy, Bristol.—*Frederick Stockman*, Bathwick, Bath, Somersetshire, out of business, March 6 at 12, District Court of Bankruptcy, Bristol.—*Thos. Sellwood* the younger, Fordwater-farm, Chardstock, Dorsetshire, horse dealer, March 5 at 1, District Court of Bankruptcy, Exeter.—*J. Hall*, St. Mary's Gate, Chesterfield, Derbyshire, baker, March 2 at 12, District Court of Bankruptcy, Manchester.—*Wm. Wild*, Stoney Middleton, Derbyshire, farmer, March 7 at 12, District Court of Bankruptcy, Manchester.

*Saturday, Feb. 21.*

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*John Eland*, Witham, near Hull, Yorkshire, farmer, No. 35,925 C.; *Wm. Wilson*, assignee, in place of *George Eland*, removed.—*John Milne*, White Conduit-grove, Middlesex, out of business, No. 57,806 T.; *Samuel Addinsell*, assignee.—*W. Simpson*, Hans-place, Pritchard's-row, Hackney-road, Middlesex, bricklayer, No. 57,922 T.; *John Showler*, assignee.—*E. Williams Cobb*, Stamford-street, Blackfriars-road, Surrey, secretary to a railway company, No. 57,941 T.; *William Finlson*, assignee.

*Saturday, Feb. 21.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Thomas Smith*, Southwick-mews, Paddington, Middlesex, livery-stable keeper: in the Debtors Prison for London and Middlesex.—*Thos. Pursey*, Lamel-cottages, Cricklewood, near Kilburn, Middlesex, journeyman coach-smith: in the Debtors Prison for London and Middlesex.—*Charles Thos. Board*, Sparrow-corner, Minories, London, out of business: in the Debtors Prison for London and Middlesex.—*Thomas Henly*, Jamaica-street, Commercial-road, Middlesex, master mariner: in the Debtors Prison for London and Middlesex.—*T. Davis*, North-st., Fitzroy-square, Middlesex, porter: in the Debtors Prison for London and Middlesex.—*J. Halden*, Bread-street, Cheapside, London, shawl embroiderer: in the Debtors Prison for London and Middlesex.—*Alfred Willsher*, Princes-road, Lambeth, Surrey, cabriolet proprietor: in the Debtors Prison for London and Middlesex.—*J. Scott Pearce*, Regent-street, Lambeth, Surrey, out of business: in the Queen's Prison.—*Sophia Phripp*, Suffolk-street, Cambridge-heath, Hackney, Middlesex, out of business: in the Debtors Prison for London and Middlesex.

*(On Creditor's Petition).*

*Thomas Priddle*, Calthorpe-place, Gray's-inn-road, Middlesex, out of business: in the Debtors Prison for London and Middlesex.

*(On their own Petitions).*

*Timothy Terry*, Bath-street, Birmingham, Warwickshire, journeyman upholsterer: in the Gaol of Shrewsbury.—*James Trigg*, Mitcheldean, Gloucestershire, carpenter: in the Gaol of Gloucester.—*T. Lintern*, Bilton, Gloucestershire, labourer: in the Gaol of Gloucester.—*Ellen Gould*, Park-green, Macclesfield, Chester, widow, out of business: in the Gaol of Chester.—*Edward Goss*, Langton-street, Bristol, out of business: in the Gaol of Bristol.—*George Fudge*, Baptist Mills, Bristol, mason: in the Gaol of Bristol.—*J. Poole*, Penzance, Cornwall, cordwainer: in the Gaol of Bodmin.—*Henry Henson*, Hickling, Nottinghamshire, lace agent: in the Gaol of Nottingham.—*Arthur Shanks*, King-street, North Shields, Northumberland, innkeeper: in the Gaol of Morpeth.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Tuesday, March 10, at 9.*

*Wm. Robins*, Wellington-place, Holloway, Middlesex, carpenter.—*James Cobb*, Alfred-place, Sidney-street, Mile-end-road, Middlesex, dealer in horses.—*Fred. Augt. Macnamara*, Cleveland-row, St. James's, Middlesex, out of business.—*T. Tyrett*, Fryer's-hill, Great Hermitage-street, Wapping, Middlesex, carman.—*Wm. Spencer*, Compton-street, Brunswick-square, Middlesex, corn chandler.—*Samuel Gay Taylor*, St. James's-terrace, Kentish Town-road, Middlesex, auctioneer.—*T. Alex. Evans*, George-street, Bagnigge-wells-road, Middlesex, dealer in oils and colours.—*Henry Clark*, Woodbine-cottages, Stamford-road, Kingsland, Middlesex, builder.—*James R. Shakspeare Macnamara*, Cleveland-row, St. James's, Middlesex, attorney at law.—*T. Vincent*, Tyrer's-terrace, Vauxhall, Surrey, out of business.

*Court-house, STAFFORD, (County), March 7 at 10.*

*Edwd. Johnson*, Bilston, Staffordshire, miner.

*Court-house, LEWES, Sussex, March 13 at 10.*

*Francis Chear*, Brighton, Sussex, out of business.—*Benj. Priddy*, Brighton, Sussex, bricklayer.—*W. Fitzroy Scudamore*, Brighton, Sussex, out of business.—*George Barber*, Steyning, Sussex, carpenter.—*Wm. Brown*, King-street, New Town, Deptford, Kent, travelling tea dealer.

*Court-house, WARWICK, (County), March 11 at 10.*

*Charles Checkley*, Napton-on-the-Hill, Warwick, labourer.—*Thos. Fullard*, Balsall-leath, Worcestershire, near Birmingham, labourer.—*Wm. Mayner*, Birmingham, labourer.—*Edw. Basier the elder*, Birmingham, tinnan.

*Court-house, CHESTER, (County), March 11 at 10.*

*Ellen Gould*, Park-green, Macclesfield, widow, out of business.—*Edw. Ward*, Stockport, Chester, cut of business.—*W. Smith Stredder*, Tranmere, Cheshire, builder.—*Sarah Pluff*, Kelsall, Cheshire, widow, out of business.—*John Berks*, Nantwich, Cheshire, out of business.

*Court-house, MONMOUTH, (County), March 12 at 10.*

*George Barrett*, Abergavenny, Monmouthshire, corn factor.—*G. Plummer*, Govilon, near Abergavenny, Monmouthshire, tailor.—*Wm. Moon*, Newport, Monmouthshire, out of business.—*David Parry*, Blaina Iron-works, Monmouthshire, shoe maker.

#### INSOLVENT DEBTORS' DIVIDENDS.

*Richard Cleaver*, Portman-place, Edgware-road, bricklayer; *Frewin's*, 12, Lisson-grove North: 1s. 7½d. in the pound.—*John Roberts*, Bootle, near Liverpool, shopkeeper; *Moreton's*, Liverpool: 4s. 4d. in the pound.

FRIDAY, FEBRUARY 27.

#### INSOLVENT.

GEORGE THOMAS WALKER, Landport, Portsea, Southampton, draper.

#### BANKRUPTS.

EDWARD WILLIAMS, Bishopsgate-street, London, linen draper, dealer and chapman, March 10 at 2, and April 21 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Dickson & Overbury, Frederick's-place, Old Jewry.—Fiat dated Feb. 25.

LEWIS REIS, JAMES POWER, and GUSTAVUS KOENIG, Fenchurch-street, London, and Wandsworth, Surrey, merchants, soap and candle manufacturers, dealers and chapmen, March 10 at 1, and April 21 at 12, Court of Bankruptcy, London: Off. Ass. Alsager; Sols. Marten & Co., Mincing-lane, London.—Fiat dated Feb. 25.

GEORGE BUTLER EARP, London, ship broker and emigration agent, (in partnership with John Ridgway, Liverpool, ship broker and emigration agent, lately carrying on business in New Zealand with Thomas Ridgway, John Ridgway, Joseph Ridgway, and William Guyton the younger, under the firm of Ridgways, Guyton, & Earp), March 6 at 2, and April 10 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Vardy, Finsbury-place.—Fiat dated Feb. 10.

JOHN SANDAVER, Kenton-street, Brunswick-sq., Middlesex, cabinet maker, March 7 at 1, and April 4 at 11, Court of Bankruptcy, London: Off. Ass. Follett; Sol. Williams, Bedford-square.—Fiat dated Feb. 25.

RICHARD CHILDS, Queen Anne-street, Cavendish-sq., Middlesex, tailor, dealer and chapman, March 10 at 11, and April 7 at half-past 12, Court of Bankruptcy, London: Off. Ass. Belcher; Sols. Edwards & Peake, 11, New Palace-yard, Westminster.—Fiat dated Feb. 26.

WILLIAM WHITE, Aylesbury, Buckinghamshire, tailor and draper, dealer and chapman, March 4 at 2, and April 11 at 11, Court of Bankruptcy, London: Off. Ass. Follett; Sols. Tilleard & Co., Old Jewry.—Fiat dated Feb. 24.

WILLIAM BULL HARVEY, Herbert-street, New North-road, Middlesex, draper, dealer and chapman, March 6 at 1, and April 11 at 12, Court of Bankruptcy, London: Off. Ass. Green; Sol. Cox, Pinners'-hall, Old Broad-street.—Fiat dated Jan. 23.

ABRAHAM FRANCE and WILLIAM PULLEN LAWTON, Leeds, Yorkshire, stock and share brokers, dealers and chapmen, March 10 and 31 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Kynaston; Sols. Cariss, Leeds; Williamson & Hill, Gray's Inn, London.—Fiat dated Feb. 25.

ABRAHAM FRANCE, Leeds, Yorkshire, share broker, dealer and chapman, March 10 and 31 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Kynaston; Sols. Middleton, Leeds; Sudlow & Co., Chancery-lane, London.—Fiat dated Feb. 19.

**JOHN SHIRT**, Broad-st., Lambeth-butts, Surrey, grocer and cheesemonger, March 6 at half-past 1, and April 8 at 1, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Pope, Raymond-buildings, Gray's Inn.—Fiat dated Feb. 26.

**JOHN WRIGHT**, Tamworth, Staffordshire and Warwickshire, scrivener and banker, March 14 and April 18 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Thornehill, Burton-upon-Trent; Collis, Birmingham.—Fiat dated Feb. 20.

**ISSACHAR ROBERTS**, Mold, Flintshire, grocer, tallow chandler, woolstapler, and banker, March 13 and April 17 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Ingleby, Mold; Edwards & Co., New Palace-yard, London.—Fiat dated Feb. 25.

**HENRY JOHN BARKER**, Flixton, Lancashire, logwood and drug grinder, miller, dealer and chapman, March 13 and April 3 at 11, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Hitchcock & Co., Manchester; Johnson & Co., Temple.—Fiat dated Feb. 25.

**THOMAS PARNELL**, Manchester, laceman, dealer and chapman, March 16 and April 1 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. J. and B. Whitworth, Manchester; Gregory & Co., 1, Bedford-row, London.—Fiat dated Feb. 23.

**GEORGE PERRY**, Stroud, Gloucestershire, coach builder, dealer and chapman, March 12 at 12, and April 10 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sols. Paris, Stroud; Brisley, Pancras-lane, London.—Fiat dated Feb. 23.

**JOSEPH METTFORD**, Oldfield-lodge, Lyncombe and Widcome, Somersetshire, wine merchant, March 13 and April 10 at 12, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sols. Lovibond & Co., Bridgewater; Bishop, Lincoln's-inn-fields, London.—Fiat dated Feb. 23.

**JOHN GODFREY**, Midsomer Norton, Somersetshire, linen draper, March 13 and April 10 at 1, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sol. Govett, Midsomer Norton; and 29, Upper North-place, Gray's-inn-road, London.—Fiat dated Feb. 21.

**SAMUEL EVENS**, Hilton-house, Blackrod, and Dicconson-mill, Aspull, near Wigan, Lancashire, cotton spinner, March 11 and April 6 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Hitchcock & Co., Manchester; Gregory & Co., Bedford-row, London.—Fiat dated Feb. 23.

**JOHN BROCK**, Chester, innkeeper, dealer and chapman, March 13 and April 14 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sols. Cunnah, Chester; Pocock & Co., Norfolk-street, Strand, London.—Fiat dated Feb. 20.

**JAMES CORRALL**, Boston, Lincolnshire, ship owner, coal and potato merchant, March 13 and April 14 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Jabet, Birmingham; Hartley, Boston.—Fiat dated Feb. 6.

#### MEETINGS.

*Daniel Stanton*, Bristol, grocer, March 20 at 11, District Court of Bankruptcy, Bristol, pr. d.—*Henry Gamble*, Grimstone, Norfolk, grocer, March 13 at 2, Court of Bankruptcy, London, last ex.—*G. S. Neale*, Portsea, Hampshire, innkeeper, March 13 at half-past 1, Court of Bankruptcy, London, last ex.—*Geo. Atkins*, Liverpool, brewer, March 20 at 11, District Court of Bankruptcy, Liverpool, aud. ac.; March 24 at 11, div.—*Thos. Turner, D. Brade, and Chas. Schwind*, Liverpool, merchants, March 20 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Wm. Perkins*, St. Wollos, Monmouthshire, ship builder, March 24 at 12, District Court of Bankruptcy, Bristol, aud. ac.; March 26 at 11, div.—*John Cadogan* the younger, Brecon, hat warehouseman, March 26 at 12, District Court of Bankruptcy, Bristol, aud. ac.—*John B. Gillett*, Eccleshill, Bradford, Yorkshire, dyer, March 21 at 11, District Court of Bankruptcy, Leeds, aud. ac.; March 24 at 11, div.—*Joseph Broadbent*, Saddleworth, Yorkshire, woollen manufacturer, March 26 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*G. W. Wentworth, Robert Chaloner, Thos. Risworth, Thomas Risworth* the younger, and *John Hartley*, York, bankers, March 23 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*Cornelius Stovin*, Birmingham, coach proprietor, March 25 at 11, District Court of Bankruptcy, Birmingham, aud. ac.—*Joseph Marriage* the younger, Moulsham, Chelmsford, Essex, miller, March 20 at

2, Court of Bankruptcy, London, div.—*John Fred. Cork* and *James Launcelot De Carle*, New Bond-street, Middlesex, coach builders, March 24 at half-past 12, Court of Bankruptcy, London, div.—*Thos. John Ashton*, Pall-mall, Middlesex, tailor, March 24 at half-past 1, Court of Bankruptcy, London, div.—*Richard Payne*, Hatton-wall, Hatton-garden, Middlesex, brass-founder, March 24 at 2, Court of Bankruptcy, London, div.—*John Evans*, Liverpool, ironmonger, March 20 at 11, District Court of Bankruptcy, Liverpool, div.—*John Parr*, South-wharf-road, Paddington, Middlesex, coal-merchant, March 24 at 11, Court of Bankruptcy, London, div.—*James Cross*, Bristol, provision merchant, March 24 at 11, District Court of Bankruptcy, Bristol, div.—*Charles Brogden*, Lincoln, bookseller, March 23 at 11, District Court of Bankruptcy, Leeds, first and fin. div.

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on the Day of Meeting.*

*Hen. Robinson*, Copthall-chambers, Copthall-court, London, share broker, March 26 at 11, Court of Bankruptcy, London.—*Thos. Brown*, Connaught-terrace, Edgware-road, Paddington, Middlesex, boot maker, March 24 at 1, Court of Bankruptcy, London.—*John Littlewood*, New Bond-street, St. George, Hanover-sq., Middlesex, hosier, March 21 at 12, Court of Bankruptcy, London.—*Benj. Wood* the younger, Leeds, Yorkshire, wine merchant, March 23 at 11, District Court of Bankruptcy, Leeds.—*John Sier*, Cheltenham, Gloucestershire, baker, March 20 at 1, District Court of Bankruptcy, Bristol.—*Dan. Stanton*, Bristol, grocer, March 30 at 11, District Court of Bankruptcy, Bristol.—*George Osborn*, Exeter, whip maker, March 26 at 1, District Court of Bankruptcy, Exeter.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before March 20.*

*Geo. Donaldson*, Pall-mall, St. James, Westminster, Middlesex, watch maker.—*Clarendon Hyde*, Loughborough, Leicestershire, apothecary.—*Jas. Reynolds*, Fazakerley, near Liverpool, cow keeper.—*Wm. Ellary*, Kidderminster, Worcestershire, iron founder.—*Wm. Vickers*, Carter-st., Woking-road, Surrey, bill broker.—*Wm. H. Taylor*, Piccadilly, Middlesex, stove manufacturer.—*James Lee*, Tadcaster, porter merchant.

#### FIATS ANNULLED.

*William Carey*, Leamington Priors, Warwickshire, hair dresser.—*Phil. Phillips*, Birmingham, steel pen maker.

#### SCOTCH SEQUESTRATIONS.

*Wm. Hutten*, Glasgow, power loom cloth manufacturer.—*Alex. Bain*, Wick, merchant.—*Hugh Campbell*, Glasgow, wine merchant.—*Andrew Corrie*, Dalton, Dumfries, farmer.—*Jas. Leslie*, Linlithgow, innkeeper.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Edw. Rudling*, New Church-st., Lissongrove, Middlesex, plumber, March 11 at 11, Court of Bankruptcy, London.—*Jos. Simpson*, Edmund's-place, Aldersgate-street, London, out of employ, March 11 at 12, Court of Bankruptcy, London.—*J. Brown*, Parker's-row, Bermondsey, Surrey, builder, March 11 at 12, Court of Bankruptcy, London.—*John Ladd* the younger, Buckland, Kent, brewer, March 11 at 12, Court of Bankruptcy, London.—*Hen. Jinks*, Gloucester-st., Queens-square, St. Andrew's, Holborn, Middlesex, paper stainer, March 11 at 12, Court of Bankruptcy, London.—*Timothy Fulker*, Croydon, Surrey, grocer, March 18 at 11, Court of Bankruptcy, London.—*Nath. Hailes*, Upper Ebury-street, Pimlico, Middlesex, bookseller, March 11 at 12, Court of Bankruptcy, London.—*David Davies*, Park-villas, Hammer-smith, Middlesex, assistant surgeon, March 5 at 11, Court of Bankruptcy, London.—*Richard Liddington*, Little London, Silverstone, Northamptonshire, timber dealer, March 3 at 11, Court of Bankruptcy, London.—*William Davison*, Whittle Furness, near Chester-le-street, Durham, mason, March 11 at 2, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Jonathan Mercer*, Birkenhead, Cheshire, plumber, March 10 at 11, District Court of Bankruptcy, Liverpool.—*Thomas Hartley*, Pudsey, Calverley, Yorkshire, cloth maker, March 3 at 11, District Court of Bankruptcy, Leeds.—*Rich. Holmes*,

Baldon, near Bradford, Yorkshire, butcher, March 3 at 11, District Court of Bankruptcy, Leeds.—*Jos. Ibbotson*, Hunslet, near Leeds, Yorkshire, stone mason, March 3 at 11, District Court of Bankruptcy, Leeds.—*Henry Banks*, Single-grove East, Single-street, Mile-end-road, Middlesex, carpenter, March 10 at 11, Court of Bankruptcy, London.—*John Hitching*, Cornish-hall and Pinchingfield, Essex, boot maker, March 10 at 11, Court of Bankruptcy, London.—*S. Coleman* the younger, Hatton-garden, Middlesex, electro plater, March 11 at 11, Court of Bankruptcy, London.—*John M. Chness*, Stoke, Devonport, Devonshire, schoolmaster, March 11 at 11, District Court of Bankruptcy, Exeter.—*Henry Chambers*, Aston-unde-Lyne, Lancashire, tailor, March 9 at 12, District Court of Bankruptcy, Manchester.—*Wm. Wilson*, Bedlington, Durham, blacksmith, March 19 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Thos. D. Brown*, Liverpool, commission merchant, March 10 at 11, District Court of Bankruptcy, Liverpool.—*Charles Watson*, Kingston-upon-Hall, builder, and undertaker of funerals, March 4 at 11, District Court of Bankruptcy, Leeds.—*Thomas Broughton*, Burnley, Lancashire, dealer in warps, March 13 at 1, District Court of Bankruptcy, Manchester.—*Tho. Cronkshaw*, Blackburn, Lancashire, labourer, March 13 at 12, District Court of Bankruptcy, Manchester.—*Chas. Atkinson*, Littlemoor, Glossop, Derbyshire, stone-cutter, March 13 at 1, District Court of Bankruptcy, Manchester.—*Robert Smith*, Cheltenham and Hucclecote, Gloucestershire, clerk, March 19 at 12, District Court of Bankruptcy, Bristol.—*Sol. Slingo*, Charter-house Hinton, Somersetshire, mason, March 19 at 11, District Court of Bankruptcy, Bristol.—*Mary Ann Morris*, Bath, Somersetshire, gentlewoman, March 20 at 12, District Court of Bankruptcy, Bristol.—*John Price*, St. George, Glamorganshire, sawyer, March 20 at 1, District Court of Bankruptcy, Bristol.

Wednesday, Feb. 25.

Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—

(On their own Petitions).

*George Tomlinson*, Sidney-street, City-road, Middlesex, carpenter: in the Debtors Prison for London and Middlesex.—*Rich. Benj. Taylor*, Bethnal-green-road, Middlesex, fancy trimming seller: in the Debtors Prison for London and Middlesex.—*Henry Wright*, Clement's-lane, Strand, Middlesex, out of business: in the Queen's Prison.—*H. G. Camble Geary*, Wellington-place, Blackfriars-road, Surrey, cheesemonger: in the Queen's Prison.—*George Flynn*, Kingaland-road, Middlesex, out of business: in the Queen's Prison.—*Robert Black*, Queen-street, New-cut, Lambeth, Surrey, baker: in the Queen's Prison.—*Archibald Allardye*, Garsnall-place, Spaffield, and New Norfolk-street, New North-road, Islington, Middlesex, baker: in the Queen's Prison.—*Edwd. Adolphus J. Walsh*, Grove-place, Brompton, Middlesex, attorney at law: in the Debtors Prison for London and Middlesex.—*Wm. Charlton Forbes*, Sydenham, Kent, out of business: in the Queen's Prison.—*J. Rutherford*, Broadway, Queen's-square, Westminster, Middlesex, architectural draughtsman: in the Debtors Prison for London and Middlesex.—*Wm. Burchett*, Philadelphia-place, Hackney-road, Middlesex, surgeon: in the Debtors Prison for London and Middlesex.—*Wm. J. Potter*, Somers-street, University-street, Tottenham-court-road, Middlesex, out of business: in the Queen's Prison.—*D. James*, Bath-cottage, Addington-square, Camberwell, Surrey, commission agent for the sale of woollens: in the Gaol of Surrey.—*J. Frederick Keeling*, Diddington-place, Caledonian-road, Islington, Middlesex, clerk to a surveyor: in the Queen's Prison.—*John G. Wm. Welch*, Circus, Minorities, London, attorney's clerk: in the Debtors Prison for London and Middlesex.

(On Creditor's Petition).

*John Toms*, Bedford-street, Walworth, Surrey, out of business: in the Queen's Prison.

(On their own Petitions).

*John Peberdy*, Coventry, Warwickshire, carrier's porter: in the Gaol of Coventry.—*Wm. Cayser*, St. Colum Major, Cornwall, hat manufacturer: in the Gaol of Bodmin.—*John Kent*, New Sneynton, Nottinghamshire, out of business: in the Gaol of Radford Peverel.—*John Roberts*, Barnoldswick, near Skipton, Yorkshire, out of business: in the Gaol of York.—*Joseph Jones*, Carnarvon, mine proprietor: in the Gaol of Carnarvon.

The following Prisoners are ordered to be brought before a Commissioner on Circuit:—

Court-house, GLOUCESTER, (County), March 14 at 10.

*James Trigg*, Mitcheldean, carpenter.—*T. Lintern*, Bitton, thatcher.—*Wm. Willis*, Cheltenham, out of business.—*John Burley*, Downton, Leonard Stanley, retailer of beer.

Court-house, WELSHPOOL, Montgomeryshire, March 13 at 10.

*Robert Edwards*, Llansaintfrid, auctioneer.—*T. Turner*, Penarth, Newtown, farmer.

Court-house, SHREWSBURY, Shropshire, March 13 at 10.

*Martha Leake*, Abbey Foregate, spinster, out of business.

Court-house, COVENTRY, (County), March 16 at 10.

*John Peberdy*, Coventry, carrier's porter.

Court-house, WARWICK, (County), March 11 at 10.

*Thomas Palmer*, Birmingham, attorney.

MASTER IN CHANCERY.—The Lord Chancellor has appointed John James Simpson, of Derby, in the county of Derby, Gent., to be a Master Extraordinary in the high Court of Chancery.

This day is published, in One thick Vol. 8vo., price 1*l.* 1*s.* boards, DICKINSON'S GUIDE to the QUARTER SESSIONS.

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# The Jurist

No. 478—VOL. X.

MARCH 7, 1846.

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LONDON, MARCH 7, 1846.

THE case of *Winterbottom v. Ingham* (reported in one of our late Numbers, p. 4) deserves to be noticed here, as deciding a question of considerable importance, and, probably, of frequent occurrence.

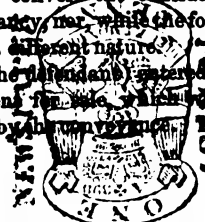
The defendant had, in August, 1835, become the purchaser, by auction, of certain estates, for the sum of 1760*l.*, and had paid to the plaintiff, who was receiver under an order of the Court of Chancery, a deposit of 10*l.* per cent. By the conditions of sale, the residue of the purchase-money was to be paid on the 24th June then next, and the purchaser was then to have actual possession, and, in default of payment of the residue of the purchase-money, was to pay interest on it from that day. About a fortnight after the sale the defendant was let into possession by the plaintiff, without any stipulation as to the terms of occupation, and, having refused to complete the purchase, a suit in Chancery was instituted, the result of which was, that, upon the Master reporting that the plaintiff could not make a good title, the bill was dismissed.

The action was brought for the use and occupation of the premises from the time when the defendant was let into possession, until after the determination of the Chancery suit. Former cases, in which the point had been touched upon, and they were but few, afforded no decisive authority, and it appeared to be the first time that the question, whether, under circumstances such as are mentioned above, a purchaser is liable to an action for use and occupation, had required to be expressly decided.

In *Hearn v. Tomlin*, (Peake's N. P. C. 192), Lord Kenyon had denied the liability; but there the occupation had occasioned loss, not benefit, to the defendant. In *Kirland v. Pownsett*, (2 Taunt. 145), Mansfield, C. J., at the trial, at first inclined to think that the action

might be supported; but, upon the ground, that, during all the defendant's occupation of the premises, the plaintiff had been in possession of the purchase-money, of which he had made, or might have made, interest, he directed a nonsuit, which the court afterwards unanimously held to be right, apparently for the above reason, though it is curious, that, at the conclusion of the judgment, we find stated the true principle, and that which was acted upon in the late case, viz. that a contract cannot arise by implication of law, under circumstances the occurrence of which neither of the parties ever had in their contemplation.

*Hall v. Vaughan*, (6 Price, 157), though the reasons by which the court justified the setting aside the nonsuit apparently afford an authority in favour of the liability, does not, in fact, involve the point now in discussion. In *Howard v. Shaw*, (8 Mee. & W. 118), the defendant was let into possession of premises, under a contract of purchase, which was not completed: having demanded back his deposit from the auctioneer, and being able to obtain only part, he kept possession of part of the premises, by way of indemnity against his loss, and retained it, without paying any rent, until served with a declaration in ejectment. The action was brought for use and occupation for the period after the contract was abandoned. The court held, that the defendant was liable. As a decision, this case is not applicable to the present; but the following remarks of two of the judges are so:—"While the defendant occupied under a valid contract for the sale of the property to him, he could not be considered as a tenant; the parties could not convert the contract for purchase into a contract of tenancy, nor, while the former was pending, into another of a different nature. Here it may be assumed that he (the defendant) entered into possession under the agreement for sale, which was to have been carried into effect by the completion of the



may be some difficulty in saying, that, while that agreement existed, the relation of landlord and tenant subsisted between the parties; although this case differs in its circumstances from *Kirtland v. Pomsett*, because, here, a rent is charged upon the premises. I quite agree, however, that, while the agreement subsisted, the defendant was not bound to pay a compensation for the occupation of the land, because the contract shews that he was to occupy without compensation, and, so long as it subsisted, he was entitled so to occupy, but still he was tenant at will."

In this state of the authorities the action of *Winterbottom v. Ingham* was brought; and Chief Justice Tindal, before whom it was tried, being of opinion that the action was not maintainable, directed a verdict for the defendant, reserving leave to the plaintiff to move to enter a verdict for the amount which it was agreed was the value of the defendant's occupation. Upon the case being brought before the Court of Queen's Bench, they confirmed the decision of the Chief Justice. The plaintiff's counsel had contended, that, the entry of the defendant having taken place before the purchase-money was paid, it could not be referable to the contract of sale, with the terms of which it was inconsistent; and that both the "entry and occupation must be referred to a distinct contract, arising upon the ordinary implication, and involving the ordinary consequences as to the payment of compensation." But the Court said, "The more correct view of these facts seems to us to be, that the entry and possession were not upon an understanding that any compensation was to be made in the event which has arisen. The defendant certainly was considered, both by himself and the plaintiff, as purchaser, and not as tenant; and the plaintiff cannot convert him into an occupier, liable to pay for his occupation, by his own wrongful act in not completing the contract of sale. The jury have, indeed, found that the occupation was beneficial; but this statement is not without ambiguity: it may have been beneficial, supposing that he had actually become the owner, by making a fair return of profit on all his outlay; but it may also have been a very losing concern, on a balance struck between that outlay and the amount of the proceeds during the time of his actual holding. On the other hand, he may have expended as owner, in improvements, a sum much larger than a reasonable rent. How is this account to be taken, or this balance to be struck? A court of equity may have means for doing justice in this respect between the parties; our courts, certainly, have none. Therefore, though the true answer to Mr. Whitehurst's first two questions may be in the affirmative, admitting the defendant's occupation and the plaintiff's permission to occupy, a negative must be put on his third proposition, that the defendant promised to pay, because both parties understood that he made no such promise. Parties may easily secure themselves, by stipulating for the event of a non-completion of the purchase in their contract of sale and purchase."

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## OBSERVATIONS ON THE DOCTRINE OF *HARTON v. HARTON*, (7 Term Rep. 652).

A question arose in a very recent case, (*Brown v. Whiteway*, V. C. Wigram, 20th Feb., 1846), which will shortly be reported in our pages, whether, under a devise to trustees for various successive interests, some of which require the legal estate to be in the trustees, and others permit of the legal estate being executed in the cestuis que use, the legal estate can shift backwards and forwards, out of and into the trustees; or whether the legal freehold, if it is necessary that it should be in the trustees at all, to support several equitable estates, separated by estates of which the legal estate might, if they stood alone, be in the cestuis que use, must remain in them throughout. It was argued on the one side, that, though the legal estate may vest in trustees for any number of successive equitable estates, and then pass out of them when all the estates of the remaining series are of such a nature as to admit of the legal estate being in the cestuis que use; yet, when once the legal estate has passed out of trustees, it cannot pass back to them, and, therefore, until all the interests necessarily equitable are exhausted, the legal estate must remain in the trustees. It was urged on the other side, that there is no reason why, in such a case, the uses capable of being executed should not be executed, as they arise, in the cestuis que use, and be executed, during the intervening equitable estates, in the trustees. That it is no more, in effect, than a devise to trustees to the use of themselves, during a certain equitable estate, remainder to the use of certain other persons for the duration of certain other partial estates, remainder to the use of the trustees during other equitable estates, and so on; a series of limitations which, if created in terms, would unquestionably be good.

The case was decided on the authority of *Harton v. Harton*, (7 Term Rep. 652), which the Vice-Chancellor thought not distinguishable from the principal case; and his Honor said, that he could not, on such a point, which was purely legal, overrule, upon demurrer, a case decided at law.

In *Harton v. Harton* the devise was to trustees and their heirs, on trust to permit a feme coverte to take the rents; remainder to the use of her first and other sons in tail; in default of such issue, upon trust to permit another feme coverte to take the rents, remainder to the use of her sons in tail, with divers other remainders over, and an ultimate remainder to the testator's right heirs. The limitations, therefore, were undoubtedly to the same effect as in *Brown v. Whiteway*. It does not, however, appear clear, from the opinion delivered by the Chief Justice, (Lord Kenyon), that the question whether the legal estate may pass and re-pass to and from the trustees was considered by the court, and it is quite clear that it was not raised in the argument of the counsel for the plaintiff. The question seems rather to have been, whether the legal estate could be in a feme coverte cestui que use for her life; and it seems to have been taken for granted either that the legal estate was, of necessity, altogether in the trustees, or that the whole series of limitations was a series of uses executed in the cestuis que use. For La w, for the plaintiff, cited *South v. Alleine*, (Salk. 228), and said, that that was the only case like the principal case, on which he could build an argument in favour of the plaintiff. Now, in *South v. Alleine*, the only question was, whether a devise of the rents and profits of real estate to a feme coverte during her natural life, to be paid by her executors into her own hands, without the intermeddling of her husband, with a devise over of the lands, gave the feme coverte the lands; and it was held that she took the lands. This doctrine it was that the court overruled; and Lord Kenyon, C. J., said, "Whether

there be a use in the trustees, or not, must depend upon the intention of the deviser, which is to be collected from the will. This provision, it appears, was made in order to secure to the several *femes covertæ* a separate allowance, free from the control of their husbands, to effectuate which it is essentially necessary that the trustees take the estate with the use executed, otherwise the husband of each taker would be entitled to receive the profits, and so defeat the very object that the deviser had in view."

The allusion of Lawrence, J., to the case of *Lord Say and Sele*, (1 Eq. Abr. 383), and the observation of Lord Kenyon, that that was a case by itself, may, indeed, lead to the inference, that those learned judges had in view the question, whether the necessity of the legal estate being in the trustees, for the support of a particular equitable interest, required it to be in them throughout; but it is by no means clear that that question was fully brought under their consideration. If it was, their view of the matter labours, at least, under the disadvantage of the implied disapprobation of a judge, whose very doubts have long been, and still are, treated with great respect.

In *Hawkins v. Luscombe*, (2 Swans. 375), before Lord Eldon, the devise was to trustees and their heirs, upon trust to permit Mrs. Manning and others to take the rents and profits in recompense of the maintenance of J. L. Manning, son of Mrs. Manning, till he attained twenty-one, or died; and, subject thereto, to the use of the trustees and their heirs, upon trusts for accumulation for J. L. Manning until he should attain twenty-one, or die; and, after he should attain twenty-one, to the use of him and his assigns for his life, he taking the name of Luscombe; remainder to the use of the trustees to support contingent remainders; remainder to his first and other sons in tail male, taking the name of Luscombe, with several other remainders; and then a remainder to the use of the trustees and their heirs, for the separate use of Mrs. Manning during her life; and then other remainders over; and a proviso for forfeiture, in the event of any person required to take the name of Luscombe not doing so, and within a specified time obtaining an act of Parliament for changing his name. Upon a question as to the effect of this clause of forfeiture, Sir S. Romilly said that the plaintiffs were not in a position to try the question at law, because the whole legal estate was in the trustees. "It is true," he said, "the express trust is only till the defendant attains twenty-one; but, the whole legal fee having been conveyed to them, (the trustees), to the use of them and their heirs, subsequent words, denoting an intention to vest the legal fee in other persons, cannot have that effect." But Lord Eldon doubted whether the whole legal estate was in the trustees, unless the condition was broken. The precise effect of his Lordship's doubt is not very measurable; but it is enough, at any rate, to shew, that, even where the language of the limitation was, to the use of the trustees and their heirs, language which, Lord Eldon said, was very important, that was not enough to make it clear that there might not be an execution of the use in J. L. Manning, (the first beneficial owner to whom a use was limited in terms), assuming his estate not to be removed by forfeiture, although there were subsequent estates, which, being for the separate use of married women, would require the legal estate to be in the trustees.

Mr. Jarman has observed, upon *Harton v. Harton*, (Willis, vol. 2, p. 222), "that, perhaps, it is not strictly accurate to say, that in that case a fee in the trustees was necessary to secure the beneficial interest to the *femes covertæ*; for, though the trusts in favour of the second and third women could not arise until the failure of the objects of the intervening limitations in tail, yet still they must inevitably take effect, if at all, in their

lifetime; and the fact, that, in reaching them, the estate necessarily comprehended the objects of the intervening limitations, with regard to whom no purpose was to be answered requiring that the trustees should take an estate, might seem to be no reason for extending that estate to the limitations subsequent to the gifts to the several *femes covertæ*."

From these observations, Mr. Jarman would seem to imply, that the trustees must, at least, take the legal estate, until the last estate requiring the legal estate to be in them is exhausted. But the real question seems to be, as suggested by the arguments in *Brown v. Whiteway*, whether the supposed necessity for the legal estate being altogether in or altogether out of the trustees, is not a purely imaginary necessity, uncalled for either by any rule of law, or by any real ground of convenience on which to found an implied intention in a devisee. When a devise is made to trustees and their heirs, of course they take by force of that gift, unqualified by any subsequent devise, a legal fee. Suppose such devise to be followed by a limitation to the use of A., a person sui juris, for life. Is it doubted that the legal estate for the life of A. shifts out of the trustees into A., or is it doubted that the legal remainder in fee is in the trustees? Suppose the next limitation is to the use of the first and other sons of A. in tail. The legal estate, commensurate in quantity with the estate tail, of course, upon the coming into esse of a tenant in tail, is executed in such tenant in tail, having still the legal remainder in fee in the trustees.

There is no legal difficulty in conceiving a succession of partial legal estates, executed in successive cestuis que use, leaving still the legal fee in remainder in the trustees. What more of legal difficulty is there in substituting the trustees for some of the cestuis que use of partial estates, and holding them to be seised to the use, for example, of A. for life, remainder to the use of themselves for the life of B., a married woman, in trust for B., remainder to the use of C. in tail, and so on? the legal estate of inheritance, subject to the partial interests, whether legal or equitable, carved out of it, remaining in them all the while. The execution of the use does not necessarily require in the cestui que use any beneficial interest; nor is there any legal rule or reasoning that we are aware of, that makes it more improper for a partial estate to be executed in the trustees themselves, either before or after a partial legal estate executed in another cestui que use, being also the beneficiary, than for a succession of partial estates to be executed as legal estates in several successive cestuis que use, being all beneficiaries. The true view of the case is, as we conceive, that, accurately speaking, there would not be, in such a series of limitations as that of *Harton v. Harton*, (if the legal estate were held not to vest throughout in the trustees), a shifting backwards and forwards of the legal estate, although it has that appearance, and although that mode of expression has been used both in the arguments in *Brown v. Whiteway*, and in these observations; but that the legal inheritance remains in the trustees, so far and so often as the particular partial estate does not vest as a legal estate; and, therefore, when after a use executed, say for life, the life estate of a married woman arises, it is not that the legal estate, having shifted out of the trustees, shifts back again, but that, the particular legal estate executed in the tenant for life having (speaking of it in point of limitation, and not of time) become exhausted, the legal remainder which never was out of the trustees takes effect, to support the equitable life estate of the married woman.

On the whole, we conclude, that the doctrine of *Harton v. Harton* is open to much observation; and, as the case of *Brown v. Whiteway* was decided without any expression of approbation of *Harton v. Harton*, and solely upon the ground that the court did not think, that, on a demurrer in equity, it ought to overrule a

case at law on a purely legal question, the decision in *Brown v. Whiteway* seems rather to invite, than to repel, criticism on the decision in *Harton v. Harton*.

### Correspondence.

TO THE EDITOR OF THE JURIST.

SIR,—What is a sufficient bill of particulars in actions by engineers and surveyors against the projectors of railways or the directors of railway companies, is a question which is frequently arising in practice, but does not seem at present well settled. The only cases in which it has as yet been discussed in court are *Higgins v. Ede* and *Rennie v. Beresford*, in the Exchequer, reported in the present volume of THE JURIST, p. 76, Part I. In *Higgins v. Ede*, the bill of particulars stated the number of miles over which the survey extended, and the branches on which it was made; but did not state how much time was expended on it, or what persons were employed about it, or at what rate per mile the charge was made. A judge at chambers having refused to make an order for better particulars, the court concurred. In *Rennie v. Beresford* the bill of particulars contained an item of one gross sum for surveying, travelling charges, and assistance, without specifying either the number of days or the number of assistants employed, and without distinguishing how much of the charge was in respect of the plaintiff's own time and labour, and how much for the time and labour of surveyors and levellers found by him. The court refused a rule by which it was sought to compel the plaintiff to reform this item. The Lord Chief Baron, indeed, seems to have intimated his opinion, that the bill of particulars would have been more satisfactory if it had stated how much per mile the plaintiff charged for his survey; but the counsel for the defendant contended, further, that the plaintiff should separate his personal charges as engineer from the other charges.

In a subsequent case, of *Galloway v. Bass*, Mr. Justice Patteson, at chambers, made an order at variance with the above decisions, after notice of *Rennie v. Beresford*, and after conferring with the learned Barons on their decision in that case.

The following bill of particulars of the plaintiff's demand had been delivered:—

"To examining the counties of Nottingham, Leicester, Derby, and Warwick, to ascertain the most eligible line for a railway from Nottingham to Coventry; examining the country for various proposed branches to, and deviations from, the main line; making various trials and cross sections; setting out the line, making and directing levels and surveys to be made; making new examination and surveys, in consequence of alterations made from time to time by the suggestions of the consulting engineer; various instructions to Messrs. Dempsey, the surveyors of the company, and general superintendence of plans, sections, and performing all the other duties of civil engineer to the Nottingham, Birmingham, and Coventry Junction Railway. £2000."

A summons was taken out for further and better particulars, which was attended on the 7th February. The application was opposed, on the authority of *Rennie v. Beresford*. The learned judge took time for the purpose of seeing the learned Barons, and on the 9th made an order for the delivery of "a further and better account in writing of the particulars of plaintiff's demand, for which this action is brought, and stating whether the charge of 2000*l.* is calculated by the day or mile, or how," &c.\*

\* This case has been communicated by Mr. George Rochfort Clarke, who attended before Mr. Justice Patteson on behalf of the plaintiff, and was also special pleader for the defendant in *Rennie v. Beresford*.

It may, perhaps, be inferred, from the circumstance of this order having been made after conference with the Barons of the Court of Exchequer, that that court will not adhere to their decision in *Rennie v. Beresford* and *Higgins v. Ede*. The opinion, however, of Mr. Justice Patteson is distinctly ascertained, that a bill of particulars in such a case should state how the charge is made.

Yours, faithfully,

G. J. PHILIP SMITH.

### ORDER OF COURT.

March 4th, 1846.

Whereas by an act of Parliament made and passed in the session of Parliament held in the eighth and ninth years of the reign of her present Majesty, intitled "An Act to alter and amend an Act passed in the third and fourth Year of the Reign of her present Majesty Queen Victoria, intitled 'An Act to enable the Owners of settled Estates to defray the Expenses of draining the same by way of Mortgage,'" it was, amongst other things, enacted, that, for simplifying the proceedings under the said act, and rendering the same inexpensive, it should be lawful for the Lord High Chancellor, with the assistance of the Master of the Rolls, from time to time to make such orders and provisions as he might think proper for the facilitating the mode of application to the court, and of the proceedings before the Master, or otherwise: And whereas the Right Honourable John Singleton, Lord Lyndhurst, Lord High Chancellor of Great Britain, has, with the assistance of the Right Honourable Henry Lord Langdale, Master of the Rolls, and for the purposes in the said act mentioned, thought proper to make the following orders and provisions. Now, therefore, it is ordered by his Lordship the Lord High Chancellor, with the assistance of his Lordship the Master of the Rolls, that all applications made to this court pursuant to the said act, and all proceedings to be had thereunder, shall be made and conducted in the manner directed by the several orders and provisions hereinafter set forth, viz.

I. Any person entitled to land within the meaning of the said act may present to the Lord Chancellor, or to the Master of the Rolls, a petition in the form hereinafter set forth, with such variations as the nature and circumstances of the case may require.

#### Form of Petition.

In the Matter of  
and

In the Matter of the Act 8 & 9 Vict. c. 56, &c.

To the Right Honourable the Lord Chancellor [or,  
"the Right Honourable the Master of the Rolls"].

The humble petition of A. B.

Sheweth,

That the lands hereinafter mentioned, viz. [&c.] are now vested in your petitioner as tenant for life [or otherwise in some other character described in the act], and that your petitioner claims to be entitled to make permanent improvements in the said lands, by such means as are in the said act mentioned, and to cause the expense of making the same to be made a charge on the inheritance of the said lands, under the provisions of the said act.

That the said lands are in the actual occupation of C. D., who hath consented, in writing, to this application.

Your petitioner therefore prays, that your petitioner may be at liberty to make permanent improvements in the said lands, by the means in the said act mentioned, or some of such means,

and to cause the expense of making such improvements to be made a charge on the inheritance of the said lands, under the provisions of the said act, or that your Lordship will make such other order in the premises, as to your Lordship shall seem meet.

And your petitioner, &c. (Signed) A. B.

I hereby consent to this petition.

(Signed) C. D., occupying tenant of the lands sought to be improved.

II. The petitioner, in any such petition presented to the Lord Chancellor, is to mark the same at or near the top or upper part thereof with the name of one of the Vice-Chancellors.

III. The Master of the Rolls, in the case of any such petition presented to him, and the Vice-Chancellor with whose name any such petition presented to the Lord Chancellor shall be marked, may, upon consideration of such petition, and without any attendance of counsel, solicitor, or petitioner thereon, if he shall so think fit, make an order on such petition to the effect following, or to such other like effect, with such variations as the nature and circumstances of the case may require.

#### *Form of Order.*

Date

In the Matter of &c.

and

In the Matter of the Act 8 & 9 Vict. c. 56, &c.

Upon consideration, &c. of the petition, &c., it is ordered, that it be referred to the Master in rotation to inquire, and state to the court, whether the petitioner is entitled in possession to the lands in the petition mentioned, or any and which of them, within the meaning of the said act of Parliament, and whether the said lands are in the actual occupation of C. D., in the said petition named; and, if so, under what title, and whether the said C. D. has consented, in writing, to the said petition, and to the improvements proposed to be made under the provisions of the said act? And if the Master shall find that the petitioner is so entitled, and that the said C. D. is in such occupation, and has so consented, let the Master further inquire and state to the court what, if any, other persons or person are or is entitled to, or interested in, the said lands, or any of them, in remainder or reversion, or by way of mortgage, charge, or otherwise; and the petitioner is to be at liberty to lay before the Master proposals for making permanent improvements in the said lands, by any such means as are in the said act mentioned, and to set forth in such proposals the nature and extent of such improvements, and the estimated expense thereof, and the estimated value of the permanent improvements proposed to be made. And the Master is to inquire and state whether such proposed improvements are permanent improvements, within the meaning of the said act; and, if so, what will be the expense of making the same, and what will be the value of such permanent improvements? and whether it will be beneficial to all persons interested in the said lands, that such permanent improvements should be made under the provisions of the said act? and the Master is to require such evidence to be produced before him, and, if he shall think proper, is to cause such surveys of the said lands to be made, as shall appear to him to be necessary to enable him to make a satisfactory report on the matters hereby referred to him.

IV. The Master to whom the said reference may be made is to require proof of the deed, will, or other instrument under which the petitioner claims to be entitled to the land, and of the manner in which the petitioner claims title under the same, but he is not otherwise to require proof of the title to the land.

V. The Master, if he shall think it necessary for the due prosecution of the reference, may direct the petitioner to serve any other person, interested in the land, with notice of the proceedings; and such person, so served, may afterwards attend such proceedings as a party thereto; but, if such person, being so served, shall decline or neglect to attend pursuant to such notice, the Master may proceed in his absence, and he is to state the same in his report.

VI. The Master is, during the reference, to be at liberty to apply, by note in writing to the judge by whom the order was made, for any special directions, or for leave to state any special circumstances, touching the matters referred to him; and, if he shall receive any such special directions, or such leave, he is to state the same, and his proceeding thereon, in his report.

VII. The proceedings upon the reference are to be conducted according to the General Rules and Orders of the Court of Chancery, so far as they are consistent with these Orders.

VIII. The Master's report is to be filed in the Report Office.

IX. Any person interested in the land is, within fourteen days after the filing of the report, to be at liberty to petition the Lord Chancellor in case the reference was made by him or any Vice-Chancellor, or the Master of the Rolls in case the reference was made by him, that such report may be reviewed.

X. If such petition shall be presented, the judge by whom the reference was made is to take the same into his consideration; and, if he shall so think fit, he may dispose thereof, either by dismissing the same, or by referring the matter back to the Master with or without special directions.

XI. The judge considering such petition that the Master's report may not be confirmed, may direct any person interested to attend, and may, if he shall think it necessary, but not otherwise, direct the same to be argued by counsel in open court or otherwise.

XII. If a reference back to the Master is made, the proceedings are to be as on the original reference.

XIII. If no petition that the report may be reviewed is presented, the person who has obtained the report may, after the expiration of fourteen days from the filing of the report, present a petition for its confirmation, and for leave to make the proposed improvements under the provisions of the act; and such petition may be in the form hereinafter set forth, with such variations as the nature and circumstances of the case may require.

#### *Form of Petition.*

In the Matter of &c.

and

In the Matter of the Act 8 & 9 Vict. c. 56, &c.

To the Right Honourable the Lord Chancellor [or, "the Right Honourable the Master of the Rolls"].

The humble petition of &c.

Sheweth,

That, in pursuance of an order made in this matter, bearing date the — day of —, Mr. —, the Master to whom the said matter was referred, has made his report, bearing date the — day of —, and for the reasons therein stated has found [*here state the Master's finding*].

That the said report has been filed in the Report Office of this court, and that no special application has been made to review the same.

Your petitioner, therefore, humbly prays your Lordship, that the said report may be confirmed absolutely, and that your petitioner may be authorised to make such permanent improvements as are certified in the said report, under the provisions of the said act.

XIV. On the presentation of such last-mentioned petition the judge by whom the reference was made is to consider the same, and is to dispose thereof by confirming the report and giving the permission asked, or by referring the matter back to the Master, or by dismissing the petition, or otherwise, as the justice of the case may require.

XV. On the consideration of such last-mentioned petition the judge may require the attendance of the persons interested; and, if he shall think it necessary, but not otherwise, may direct the matter to be argued by counsel in open court or otherwise.

XVI. The order confirming the report may be in the form following, with such, if any, variations, as the nature and circumstances of the case may require.

*Form of Order.*

Date

In the Matter of  
and

In the Matter of the Act 8 & 9 Vict. c. 56, &c.

Whereas — did on the — day of — prefer his petition to the Right Honourable —, thereby setting forth, and praying, that he might be at liberty to make permanent improvements in the lands therein mentioned, under the provisions of the said act; and thereupon his Lordship, on consideration of the matter of the said petition, did, by his order, dated the — day of —, refer it to the Master to make the inquiries therein mentioned; and, in pursuance of the said Order, the said Master has made his report, dated the — day of —, and the said report was duly filed in the Report Office, on the — day of —, and no application has been made that the same may not be confirmed: And the said A. B. doth now, by his petition, pray that the same may be confirmed, and that he may be at liberty to make such permanent improvements as are specified in the said report, under the provisions of the said act: His Lordship on consideration of the matter of the said petition and of the said Master's report, doth hereby order that the said report be confirmed, and that the said petitioner be at liberty to make such permanent improvements in the said lands as are in the said report mentioned, under the provisions of the said act.

XVII. The Master by whom the report was made may, upon production to him of the order confirming the same and giving leave to make the improvements, deliver to the party who has obtained such order a certificate to the effect and in the form hereinafter stated, with such variations as the nature and circumstances of each case may require.

*Form of Certificate.*

Date

In the Matter of  
and

In the Matter of the Act 8 & 9 Vict. c. 56, &c.

Whereas [*Recite, 1st, the Order of Reference;*

*2nd, the Report;*

*3rd, the Order confirming the report,  
and authorising the improve-  
ments to be made;]*

Now, therefore, I the said Master, in pursuance of the said act, do hereby certify, that any person advancing money for making the said permanent improvements specified in my said report will, upon its being made to appear to me that such money, to the amount specified in my said report, has been fully expended in making the said improvements, or in paying the expense of obtaining the authority of this court, become and be entitled to a charge on the inheritance of the land for the repayment of the money advanced, with interest; but such charge is to be subject to the terms and con-

ditions provided by the said act, and before the same can become effective the amount of money expended as aforesaid is to be stated by me by way of endorsement on this certificate.

XVIII. Such certificate is to be made in duplicate, and one copy thereof is to be filed in the Report Office, and the other copy thereof is to be delivered to the party.

XIX. Upon the application of any party to whom such certificate may have been granted, the Master may inquire what sums of money have been bona fide and truly expended in making such permanent improvements in the said land as are mentioned and certified to be proper in his said report, and in defraying such expenses as are in the said act mentioned, and upon what terms as to interest and repayment by instalments the money was advanced; and the Master, having duly inquired into the matter, and being satisfied by proper evidence, may make an indorsement on the said certificate to the effect and in the form hereinafter set forth, with such variations as the nature and circumstances of each case may require.

*Form of Indorsement.*

Whereas it has been alleged before me that the sum of £—, being the whole [*or, "part"*] of the sum of £— mentioned in my report recited in the within certificate, has been expended in making such improvements and paying such expenses as are therein mentioned. I have, pursuant to the liberty given to me by the said act, inquired what expenses have been incurred in and about the application to the court, and making the necessary surveys, valuations, and estimates, and also what sums of money have been actually expended in such improvements; and evidence as to such expenses hath been laid before me, and I have duly considered the same; and I do hereby state and certify that it hath been made to appear to me that the sum of £— hath been fully expended in manner aforesaid in such expenses as aforesaid, and the sum of £— for improvements by drainage, warping, irrigation, or embankment, and the sum of £— for improvements by the erection of buildings: And I do hereby further certify that the said several sums amount in the whole to the sum of £—, and that the same was [*or, "were"*] advanced on &c., [*or, "at such several times and in the several sums hereinafter set forth, viz."* &c.]; and that such several sums are to be repaid, with interest after the rate of £— per centum per annum, by such equal annual instalments as are hereinafter mentioned, viz. &c.

XX. The indorsement is to be made in duplicate, and one copy thereof is to be written on the party's certificate, and delivered to him; the other is to be filed and annexed to the copy of the certificate filed in the Report Office.

XXI. All orders made by the Master of the Rolls or any Vice-Chancellor are subject to be discharged or varied by the Lord Chancellor on petition to him for that purpose.

LYNDHURST, C.  
LANGDALE, M. R.

**Imperial Parliament.**

**HOUSE OF COMMONS.**

*Wednesday, March 4.*

Lord John Manners' bill relating to bequests for pious and charitable uses, in effect, to repeal the 9 Geo. 2, c. 36, was thrown out on the second reading. The numbers were, 24 for, and 60 against, the second reading.

CIRCUITS OF THE COMMISSIONERS FOR  
THE RELIEF OF INSOLVENT DEBTORS.

## SUMMER CIRCUITS, 1846.

## HOME CIRCUIT.

H. R. REYNOLDS, Esq., Chief Commissioner.

*Kent*, at Dover, Friday, July 3.  
*Canterbury*, (City and County), Monday, July 6.  
*Kent*, at Maidstone, Tuesday, July 7.  
*Sussex*, at Lewes, Friday, July 24.  
*Hertfordshire*, at Hertford, Friday, July 31.

## MIDLAND CIRCUIT.

JOHN GREATHED HARRIS, Esq., Commissioner.

*Essex*, at Chelmsford, Tuesday, June 23.  
*Essex*, at Colchester, Wednesday, June 24.  
*Suffolk*, at Ipswich, Thursday, June 25.  
*Norfolk*, at Yarmouth, Saturday, June 27.  
*Norfolk*, (Norwich and City), Monday, June 29.  
*Norfolk*, at Lynn, Wednesday, July 1.  
*Suffolk*, at Bury St. Edmund's, Thursday, July 2.  
*Cambridgeshire*, at Cambridge, Friday, July 3.  
*Huntingdonshire*, at Huntingdon, Saturday, July 4.  
*Bedfordshire*, at Bedford, Monday, July 6.  
*Buckinghamshire*, at Aylesbury, Tuesday, July 7.  
*Northamptonshire*, at Northampton, Thursday, July 9.  
*Northamptonshire*, at Peterborough, Saturday, July 11.  
*Rutlandshire*, at Oakham, Monday, July 13.  
*Lincolnshire*, at Lincoln, Wednesday, July 15.  
*Nottinghamshire*, (Town and County), Friday, July 17.  
*Derbyshire*, at Derby, Monday, July 20.  
*Leicestershire*, at Leicester, Wednesday, July 22.  
*Warwickshire*, at Coventry, Thursday, July 23.  
*Warwickshire*, at Warwick, Friday, July 24.  
*Shropshire*, at Oldbury, Saturday, July 25.  
*Warwickshire*, at Birmingham, Monday, July 27.  
*Lichfield*, (City and County), Tuesday, July 28.  
*Staffordshire*, at Stafford, Wednesday, July 29.  
*Shropshire*, at Shrewsbury, Friday, July 31.

## NORTHERN CIRCUIT.

W. J. LAW, Esq., Commissioner.

*Yorkshire*, at Sheffield, Tuesday, June 9.  
*Yorkshire*, at Wakefield, Thursday, June 11.  
*Kingston-upon-Hull*, (Town and County), Tuesday, June 16.  
*Yorkshire*, (City and County), Wednesday, June 17.  
*Yorkshire*, at Richmond, Saturday, June 20.  
*Durham*, at Durham, Monday, June 22.  
*Northumberland*, at Newcastle-upon-Tyne and Town, Wednesday, June 24.  
*Cumberland*, at Carlisle, Friday, June 26.  
*Westmoreland*, at Appleby, Monday, June 29.  
*Westmoreland*, at Kendal, Tuesday, June 30.  
*Lancashire*, at Lancaster, Wednesday, July 1.  
*Lancashire*, at Liverpool, Wednesday, July 8.  
*Cheshire*, at Chester and City, Saturday, July 11.  
*Flintshire*, at Mold, Monday, July 13.  
*Denbighshire*, at Ruthin, Tuesday, July 14.  
*Merionethshire*, at Dolgelly, Thursday, July 16.  
*Anglesey*, at Beaumaris, Tuesday, July 21.  
*Carnarvonshire*, at Carnarvon, Wednesday, July 22.  
*Montgomeryshire*, at Welsh Pool, Saturday, July 25.

## SOUTHERN CIRCUIT.

D. POLLOCK, Esq., Commissioner.

*Berkshire*, at Reading, Saturday, June 13.  
*Oxfordshire*, at Oxford, Monday, June 15.  
*Worcestershire*, at Worcester, Wednesday, June 17.  
*Herefordshire*, at Hereford, Thursday, June 18.  
*Radnorshire*, at Presteigne, Saturday, June 20.  
*Brecknockshire*, at Brecon, Monday, June 22.  
*Carmarthenshire*, at Carmarthen, Wednesday, June 24.  
*Cardiganshire*, at Cardigan, Thursday, June 25.  
*Pembrokeshire*, at Haverfordwest, Saturday, June 27.  
*Glamorganshire*, at Swansea, Tuesday, June 30.

*Glamorganshire*, at Cardiff, Thursday, July 2.  
*Monmouthshire*, at Monmouth, Saturday, July 4.  
*Gloucestershire*, at Gloucester, Friday, July 10.  
*Bristol*, (City and County), Monday, July 13.  
*Somersetshire*, at Bath, Tuesday, July 14.  
*Somersetshire*, at Taunton, Thursday, July 16.  
*Cornwall*, at Bodmin, Tuesday, July 21.  
*Devonshire*, at Plymouth, Wednesday, July 22.  
*Devonshire*, at Exeter and City, Friday, July 24.  
*Dorsetshire*, at Dorchester, Monday, July 27.  
*Wiltshire*, at Salisbury, Wednesday, July 29.  
*Southampton*, (Town and County), Friday, July 31.  
*Southampton*, at Winchester, Monday, August 3.

## London Gazette.

## TUESDAY, MARCH 3.

## BANKRUPTS.

JAMES WILSON, Woolwich, Kent, and Bury-street, Chelsea, Middlesex, cabinet maker and upholsterer, dealer and chapman, March 11 at half-past 12, and April 21 at 2, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Surr & Gribble, Lombard-street.—Fiat dated Feb. 25.

WILLIAM JOHN HADDAN, Tottenham, Middlesex, brewer, March 10 at 2, and April 17 at 12, Court of Bankruptcy, London: Off. Ass. Belcher; Sol. Peachey, Salisbury-square.—Fiat dated Feb. 28.

ABRAHAM STEVENS SYER, Sudbury, Suffolk, grocer, dealer and chapman, March 10 at half-past 1, and April 22 at 11, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Fry & Co., Cheapside.—Fiat dated Feb. 26.

STEPHEN HENRY HEMBLE, Halesworth, Suffolk, grocer and draper, dealer and chapman, March 18 at 11, and April 7 at 12, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Miller & Son, Norwich; Abbott & Wheatley, 3, Roll's-yard, Chancery-lane.—Fiat dated Feb. 23.

JOSEPH SMART, King-street, Tower-hill, Middlesex, watch and chronometer maker, March 18 at 12, and April 7 at 1, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Goodman & Watts, 8, Coleman-street, London.—Fiat dated March 2.

JAMES NUNN, Baker-street, Portman-square, Middlesex, haberdasher, dealer and chapman, March 12 at 11, and April 7 at 12, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Pain & Hatherley, Basinghall-street.—Fiat dated March 2.

AUGUSTUS JOHN HALERO, Leeds, Yorkshire, dealer in linen cloths, dealer and chapman, March 17 and April 6 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sols. Cariss, Leeds; Williamson & Co., Verulam-buildings, London.—Fiat dated Feb. 27.

GEORGE GILLARD, Plymouth, Devonshire, grocer, March 18 and April 15 at 11, District Court of Bankruptcy, Exeter: Off. Ass. Hernaman; Sols. Turner, Exeter; Spyer, Broad-street-buildings, London.—Fiat dated Feb. 21.

JOHN AUDLEY HORACE JEE, Liverpool, insurance broker, (carrying on business under the name of Horace Jee), March 20 and April 17 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Greatley, Liverpool; Smith & Co., Bedford-row, London.—Fiat dated Feb. 24.

GEORGE DARDIER, Liverpool, merchant and factor, March 20 and April 17 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Casenove; Sols. Neal, Liverpool; Hall & Co., 2, Verulam-buildings, Gray's-inn, London.—Fiat dated Feb. 24.

## MEETINGS.

Wm. Walter Fild and Wm. Bower Dawes, Rugeley, Staffordshire, brewers, March 17 at 1, District Court of Bankruptcy, Birmingham, ch. ass.—Charles Harrington, Kidderminster, Worcestershire, plumber, March 18 at 12, District Court of Bankruptcy, Birmingham, ch. ass.—Thos. Heppell, Newcastle-upon-Tyne, timber merchant, March 13 at half-past 1, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—John Wright, Brinscall-hall, within Wheelton, Lancashire, calico printer, March 16 at 12, District Court of Bankruptcy, Manchester, last ex.—Alfred Bunnett, Bridge-house-place, Newington-causeway, Surrey, window blind.



maker, March 26 at 11, Court of Bankruptcy, London, and. ac.—*James Jessup*, Princes-place, Notting-hill, and *William Johnson*, Queen's-road, Holloway, Middlesex, builders, March 26 at 11, Court of Bankruptcy, London, and. ac.—*William Buchanan*, Old Jewry-chambers, London, merchant, March 25 at 11, Court of Bankruptcy, London, and. ac.—*T. Mortimer*, East-lane, Walworth, Surrey, victualler, March 25 at 11, Court of Bankruptcy, London, and. ac.—*Wm. Griffin*, Cornhill, London, jeweller, March 25 at half-past 11, Court of Bankruptcy, London, and. ac.—*Ann Wild* and *John Wild*, Bristol, glaziers, March 26 at 1, District Court of Bankruptcy, Bristol, and. ac.—*John David*, Langhorne, Carmarthenshire, maltster, March 26 at half-past 12, District Court of Bankruptcy, Bristol, and. ac.—*Worth. Brice*, Bristol, merchant, March 24 at half-past 12, District Court of Bankruptcy, Bristol, and. ac.—*Wm. Smethurst*, Manchester, jacquard machine maker, March 24 at 12, District Court of Bankruptcy, Manchester, and. ac.; March 25 at 12, div.—*Thomas Gundry* and *John Gundry*, Goldsmithney, Cornwall, merchants, April 1 at 11, District Court of Bankruptcy, Exeter, and. ac.; April 2 at 1, div.—*Francis Fothergill* and *James M'Innes*, Bell's-close, near Scotswood, Northumberland, lamp black manufacturers, March 24 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac.—*Thomas Wilkinson*, Hartlepool, Durham, draper, March 24 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac.—*William Walker*, Birmingham, hatter, March 24 at 11, District Court of Bankruptcy, Birmingham, and. ac.—*Wm. T. Grant*, New Crane Iron-works, Wapping-wall, Middlesex, engineers, March 24 at half-past 11, Court of Bankruptcy, London, div.—*Geo. Clement* and *Hen. Sassmons*, Stoke Newington, Middlesex, tea dealers, March 24 at 12, Court of Bankruptcy, London, div.—*Bernard L. Watson*, Cornhill, London, Gordon-sq., St. Pancras, Middlesex, and Queenborough, Kent, manufacturer of flags, March 24 at half-past 11, Court of Bankruptcy, London, div.—*Arthur S. Tucker* and *Geo. M. Bidwell*, Melcombe Regis, Dorsetshire, grocers, March 26 at 12, Court of Bankruptcy, London, div.—*Jabez Vines*, Battersea, Surrey, miller, March 25 at 2, Court of Bankruptcy, London, div.—*Henry Goertz*, New Windsor, Berkshire, upholsterer, March 27 at 12, Court of Bankruptcy, London, div.—*George Barnes*, Portsea, Hampshire, innkeeper, March 25 at 11, Court of Bankruptcy, London, div.—*John David*, Langhorne, Carmarthenshire, maltster, March 27 at 11, District Court of Bankruptcy, Bristol, div.—*John Poulton* the younger, Laton, Bedfordshire, straw hat manufacturer, March 20 at 11, Court of Bankruptcy, London, and. ac.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Alfred Bunnett*, Bridge-house-place, Newington-causeway, Surrey, window blind maker, March 24 at half-past 1, Court of Bankruptcy, London.—*Hen. Mugeridge*, St. John-street, Smithfield, Middlesex, wire drawer, March 24 at 1, Court of Bankruptcy, London.—*Chas. Bartlett*, Southampton, merchant, March 24 at 1, Court of Bankruptcy, London.—*Thos. Adams*, Cheapside, London, calico printer, March 26 at 1, Court of Bankruptcy, London.—*Fred. Taylor*, Orange-street, Red Lion-sq., Middlesex, wax and tallow chandler, March 27 at 11, Court of Bankruptcy, London.—*And. Palmer*, Feltwell, Norfolk, druggist, March 26 at 1, Court of Bankruptcy, London.—*Wm. Wilks*, Leeds, Yorkshire, builder, March 26 at 11, District Court of Bankruptcy, Leeds.—*Robert Agars*, Kingston-upon-Hull, woollen draper, March 26 at 11, District Court of Bankruptcy, Leeds.—*Wm. Lockwood*, Hightown, Birstal, Yorkshire, worsted spinner, March 26 at 11, District Court of Bankruptcy, Leeds.—*Wm. W. Benn*, Liverpool, merchant, March 24 at 12, District Court of Bankruptcy, Liverpool.—*John Roberts* and *Hugh Hughes*, Deansgate, Manchester, linen drapers, March 26 at 12, District Court of Bankruptcy, Manchester.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before March 24.*

*Jos. Rothchild*, St. James, Bristol, watch maker.—*James Peake*, Tolleahunt Knights, Essex, miller.—*Arth. S. Tucker* and *Geo. M. Bidwell*, Melcombe Regis, Dorsetshire, grocers.—*Jas. Brooks*, Glastonbury, Somersetshire, currier.—*Fred. Cordaroy*, Liverpool, hatter.—*Edw. Mallan*, Lower Brook-street, Grosvenor-sq., Middlesex, surgeon dentist.—*William*

*Brown*, Atherstone, Warwickshire, ironmonger.—*Wm. Rob. Edwards*, London-road, Surrey, linen draper.

#### SCOTCH SEQUESTRATIONS.

*Alex. Jeffrey*, Jedburgh, writer.—*John Bowden*, Glasgow, merchant.—*John C. Neil & Co.*, Govan Haugh, Glasgow, iron founders.—*Jas. Fleming*, Dumfries, boot maker.—*James M'Gill & Co.*, Glasgow, victuallers.

#### DECLARATION OF INSOLVENCY.

*William Jeffries*, Molineux-street, Edgeware-road, Middlesex, greengrocer.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Benj. Levett*, Icklingham, Suffolk, butcher, March 6 at 2, Court of Bankruptcy, London.—*Jas. Austin*, Oxford-street, Middlesex, assistant to a trunk maker, March 6 at 1, Court of Bankruptcy, London.—*Hen. Mann*, Rochford, Essex, leather seller, March 6 at half-past 1, Court of Bankruptcy, London.—*Jas. I. Dickeson*, Bower-st., Commercial-road East, Middlesex, merchant's clerk, March 6 at half-past 1, Court of Bankruptcy, London.—*Charles F. Reynolds*, Queen-street, London, printer, March 6 at 1, Court of Bankruptcy, London.—*John Aug. Compton*, Charlotte-st., Fitzroy-sq., Middlesex, clerk in the General Post Office, March 13 at 11, Court of Bankruptcy, London.—*John Charlesworth*, Hartshead-cum-Clifton, Dewsbury, Yorkshire, card maker, March 10 at 11, District Court of Bankruptcy, Leeds.—*Wm. Cooke*, Little Sheffield, Yorkshire, razor grinder, March 13 at 11, District Court of Bankruptcy, Leeds.—*John Newbury*, Walcot, Bath, Somersetshire, licensed victualler, March 19 at 12, District Court of Bankruptcy, Bristol.—*Charles Best*, St. James's, Bristol, painter, March 17 at half-past 11, District Court of Bankruptcy, Bristol.—*Wm. Parsonage* the younger, Toxteth-park, Lancashire, out of business, March 13 at 11, District Court of Bankruptcy, Liverpool.—*Thos. Greenmill*, Maer, Caverswall, Staffordshire, farmer and publican, March 13 at 11, District Court of Bankruptcy, Birmingham.—*John Gale* the younger, East Reach, Taunton St. Mary Magdalene, Somersetshire, out of business, March 25 at 11, District Court of Bankruptcy, Exeter.—*George Law*, Millgate, Spotland, Rochdale, Lancaster, innkeeper, March 11 at 12, District Court of Bankruptcy, Manchester.—*Thos. Stephens*, Salford, Lancaster, provision shopkeeper, March 17 at 12, District Court of Bankruptcy, Manchester.—*Wm. George Reade*, Winsford, Chester, book-keeper, March 17 at 12, District Court of Bankruptcy, Liverpool.—*Thos. C. Atcherley*, Westbury, Shropshire, farmer, March 11 at half-past 10, District Court of Bankruptcy, Birmingham.—*R. Clough*, Northowman, Halifax, Yorkshire, out of business, March 12 at 11, District Court of Bankruptcy, Leeds.

*Saturday, Feb. 28.*

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's Inn-fields, on giving the Number of the Case.*

*Charles Palmer*, Erdington, Birmingham, lieutenant in the Warwickshire regiment of militia, No. 344 T.; *Thomas Mansell*, assignee.—*John Osmond Deakin*, Store-street, Bedford-square, Middlesex, clerk, No. 32,873 T.; *Thomas Wood*, assignee.—*Hugh Tod*, New Norfolk-street, Islington, Middlesex, chymist, No. 57,945 T.; *Henry Dinsdale*, assignee.—*J. Prout*, Swan-street, Old Kent-road, Surrey, hair dresser, No. 57,888 T.; *John Darke*, assignee.—*Wm. Henry Banister*, Birmingham, grocer, No. 52,720 T.; *Thomas Mellon*, assignee.—*Robert Stringer*, Great Yarmouth, Norfolk, wine merchant, No. 67,139 C.; *Richard W. Morris*, assignee.

*Saturday, Feb. 28.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*William Williams*, Snow-hill, London, and Newport, Monmouthshire, corn merchant: in the Debtors Prison for London and Middlesex.—*Jos. Sawtell*, Snow-hill, London, and Newport, Monmouthshire, corn merchant: in the Debtors Prison for London and Middlesex.—*James Hooper*, Warwick-street, Pimlico, Middlesex, carpenter: in the Debtors Prison for London and Middlesex.—*G. Woods*, Mount-place, Whitechapel-road, Middlesex, tailor: in the Queen's Prison.—*Jos. Skilton*,

Arbour-street East, Commercial-road East, Middlesex, out of business: in the Queen's Prison.—*John Oldham*, Stamford-street, Blackfriars-road, Surrey, engraver: in the Gaol of Surrey.—*Thos. Savage*, Thomas-street, Dockhead, Bermondsey, Surrey, lighterman: in the Queen's Prison.—*W. Walter*, Foxley-place, Camberwell New-road, Surrey, commission agent: in the Gaol of Surrey.—*Wm. Beale*, Bath, Somersetshire, porter to a tallow chandler: in the Gaol of Wilton.—*Grace Parker*, Grantham, Lincolnshire, out of business: in the Gaol of Lincoln.—*Thomas Hallgarth*, Butterwick, near Boston, Lincolnshire, labourer: in the Gaol of Lincoln.—*M. Am Hall*, Lincoln, tailor: in the Gaol of Lincoln.—*J. Hall*, Lincoln, tailor: in the Gaol of Lincoln.—*E. Shirley Webster*, Salford, Lancashire, manager at a button manufactory: in the Gaol of Lancaster.—*John Price*, George's Dock, Liverpool, master mariner: in the Gaol of Lancaster.—*Wm. Inchley*, Drayton, Leicestershire, out of business: in the Gaol of Leicester.—*Edw. James Inchley*, Drayton, Leicestershire, out of business: in the Gaol of Leicester.—*Daniel Butter*, Sidmouth, Devonshire, innkeeper: in the Gaol of St. Thomas the Apostle.—*Thomas Collier*, Holbeck, near Leeds, Yorkshire, butcher: in York Castle.—*W. Hayes*, Plymouth, Devon, out of business: in the Gaol of St. Thomas the Apostle.—*Edward Barlow*, Little Barton, Kittering, Northamptonshire, builder: in the Gaol of Northampton.—*John Bateman*, Leeds, Yorkshire, woollen cloth printer: in York Castle.—*Thomas Waite*, Guiseley, near Leeds, Yorkshire, cloth manufacturer: in York Castle.—*W. Glazebrook*, Leicester, boatman: in the Gaol of Newark-upon-Trent.—*Edward Godfrey Leman*, Pennyfoot-sty, Nottingham, out of business: in the Gaol of Nottingham.—*Charlotte Tipper*, Newark-upon-Trent, Nottinghamshire, widow, patten maker: in the Gaol of Nottingham.

The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Thursday, March 19, at 9.

*Benj. Pearson*, East-street, Lamb's Conduit-street, Middlesex, dealer in wash leather.—*Charles Thos. Board*, Sparrow-crook, Tower-hill, London, out of business.—*Francis Clarke*, Upper Kennington-place, Upper Kennington-lane, Surrey, bread baker.—*Wm. Woodgate Palmer*, Brook-street, Tottenham, Middlesex, manager to a fancy hosier.—*James Bartlett*, Southampton-street, Camberwell, Surrey, oil and colour man.—*Thos. Wm. Pretty*, Chapel-street, Somers'-town, Middlesex, assistant to a green grocer.—*John Halden*, Peter's-hill, Doctors'-commons, shawl embroiderer.—*Sam. Wilson*, Coal-yard, Drury-lane, Middlesex, wheelwright.—*James Williams*, St. Mary-street, Woolwich, Kent, carpenter.

Court-house, CARNARVON, (County), March 18 at 10.

*Joseph Jones*, Carnarvon, mine agent.—*T. Evans*, Bangor, watch maker.

Court-house, BRISTOL, (City), March 17 at 10.

*Edw. Goes*, Bristol, out of business.—*Robt. Tovey*, Bristol, commission agent.—*John Bailey Moss*, Bristol, plasterer.—*G. Fudge*, Bristol, mason.

#### MEETING.

*J. Latham*, St. Helen's, Lancaster, retailer of beer, March 19 at 12, Marter's, 5, Furnival's Inn, London, sp. aff.

#### INSOLVENT DEBTOR'S DIVIDEND.

*Benjamin Rawson*, Birstal, near Leeds, maltster; *Raynar & Son's*, Leeds: 8s. in the pound.

### FRIDAY, MARCH 6.

#### BANKRUPTS.

*JAMES SHAW*, Marquis court, Drury-lane, Middlesex, licensed victualler, March 11 at half-past 12, and April 21 at 2, Court of Bankruptcy, London: Off. Ass. Whitmore, Sol. Macphail, Wilmington-square.—Fiat dated March 2.

*JOHN HAWKINS*, Hurst, Berkshire, butcher, dealer and chapman, March 12 at half-past 12, and April 17 at 1, Court of Bankruptcy, London: Off. Ass. Belcher; Sol. Rushbury, Mitre-court, Ely-place, Holborn.—Fiat dated March 2.

*BENJAMIN LOUIS MEYER ROTHSCHILD*, Great Queen-street, Lincoln's-inn-fields, Middlesex, diamond merchant and dealer in precious stones, (trading as Louis Meyer Rothschild), March 17 at half-past 1, and April 21 at 11, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Dickson & Overbury, 4, Frederick's-place, Old Jewry; Teague, Crown-court, Cheapside.—Fiat dated March 3.

*RICHARD BLACKLOCKS*, Lydd, Kent, innkeeper, carrier, dealer and chapman, March 13 and April 17 at 11, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. J. T. and H. Baddeley, 12, Leman-street.—Fiat dated Feb. 27.

*ANN MARTIN*, Sturminster, Newton, Dorsetshire, widow, linen draper, March 18 at 1, and April 24 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Soles & Turner, 68, Aldermanbury.—Fiat dated Feb. 26.

*THOMAS LUPTON*, and *WILLIAM BINGLEY LUP-TON*, Leeds, flax spinners and copartners, dealers and chapmen, March 24 and April 16 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Shaw, Leeds; Wigglesworth & Co., Gray's-inn, London.—Fiat dated Feb. 21.

*WILLIAM BOOND* the younger, Manchester, stretcher, percher, stiffener, dealer and chapman, March 18 and April 8 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Mosley, Manchester; Cornthwaite & Adams, Old Jewry-chambers.—Fiat dated Feb. 27.

*JOHN M'GIBBON*, Liverpool, boot and shoe maker, March 20 and April 17 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Evans, Liverpool; Oliver, Old Jewry, London.—Fiat dated Feb. 26.

*THOMAS MAGUIRE*, Birmingham, draper, March 21 and April 18 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Turner, Huddersfield; Motteram & Knowles, Birmingham.—Fiat dated March 3.

*JAMES DAVID CRIPPS WHEELER*, Torpoint, Cornwall, victualler, March 18 and April 15 at 11, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. Edmonds, Plymouth; Surr & Co., Lombard-street, London.—Fiat dated Feb. 20.

*SAMUEL BOARD*, Bristol, woollen draper, trader, dealer and chapman, March 19 at 1, and April 17 at 12, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sols. Linklater, 115, Leadenhall-street, London.—Fiat dated Feb. 28.

*JOHN CLOUGH*, Huddersfield, Yorkshire, chymist and druggist, dealer and chapman, March 19 and April 6 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Brook & Co., Huddersfield; Cumming, King-street, Cheapside, London.—Fiat dated Feb. 28.

*BENJAMIN CLARK*, Leeds, corn factor, March 17 and April 6 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sols. Dunning & Co. Leeds; Mitton & Co., Southampton-buildings, London.—Fiat dated March 4.

*GEORGE WILLIAMS*, Bristol, watch maker and jeweller, dealer and chapman, March 20 and April 17 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sols. Savery, Clark, & Co.; Hornby & Towgood, St. Swithen's-lane, London.—Fiat dated Feb. 27.

*JAMES HASTINGS*, Tredegar, Monmouth, draper, grocer, dealer in horses, dealer and chapman, March 20 at 1, and April 20 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sol. Cattlin, Ely-place, London.—Fiat dated Feb. 20.

#### MEETINGS.

*William Josiah Walker*, Oxford-street, Middlesex, shoemaker, March 25 at 12, Court of Bankruptcy, London, last ex.—*Edw. Leman*, Church-row, Newington, Surrey, and *T. Kinsman Bryan*, Old Swan-pier, Upper Thames-street, London, wharfingers, March 31 at 11, Court of Bankruptcy, London, aud. ac.—*Robert Worley*, Newgate-street, London, provision merchant, March 31 at 11, Court of Bankruptcy, London, aud. ac.—*George Watt*, Old Jewry, London, linen factor, March 26 at 11, Court of Bankruptcy, London, aud. ac.—*C. Bowen*, Harp-lane, Tower-street, London, wine merchant, March 26 at 11, Court of Bankruptcy, London, aud. act.—*Benjamin Wade*, Strand, Middlesex, tailor, March 26 at 11, Court of Bankruptcy, London, aud. ac.—*S. Bateman Holder*, London, merchant, March 27 at 11, Court of Bankruptcy, London, aud. ac.—*Samuel Massey Cross*, Greenwich, Kent, corn merchant, April 1 at 1, Court of Bankruptcy, London, aud. ac.—*Wm. Urwin*, Watford, Hertford, fellmonger, April 1 at 12, Court of Bankruptcy, London, aud. ac.—*J. Towns- end*, Honiton, Devon, and *George Brooke*, Whimple, Devon, bankers, April 1 at 11, District Court of Bankruptcy, Exeter, aud. ac.; April 2 at 1, div.—*J. Harford*, and *Wm. W. Davies*, Bristol, Ebbw Vale and Sirhowy, Monmouth, iron masters, March 27 at 11, District Court of Bankruptcy, Bristol, aud.

ac.; March 31 at 11, div. sep. est. *J. Harford*.—*John Kirkby*, Kirkheaton, Yorkshire, fancy manufacturer, March 28 at 11, District Court of Bankruptcy, Leeds, and. ac.—*Ch. Newell*, Calverley, Yorkshire, linen draper, March 28 at 11, District Court of Bankruptcy, Leeds, and. ac.—*Wm. R. Carscaden*, Leeds, hosier, March 28 at 11, District Court of Bankruptcy, Leeds, and. ac.—*J. Blackmoor*, Rotherham, Yorkshire, builder, March 28 at 11, District Court of Bankruptcy, Leeds, and. ac.—*John Pleasance*, Wath-upon-Dearne, Yorkshire, mason, March 28 at 11, District Court of Bankruptcy, Leeds, and. ac.—*W. Batson*, and *H. J. Bissell*, Tipton, Stafford, iron masters, March 27 at 11, District Court of Bankruptcy, Birmingham, and. ac.—*J. Kesteven* and *J. Kesteven*, Strand, Middlesex, mercers, March 27 at 11, Court of Bankruptcy, London, div.—*John Batt* and *Thomas Batt*, Old Broad-street, London, dealers in silk, March 27 at 1, Court of Bankruptcy, London, div.—*Richard Tunnard Jones*, Oxford, chymist, March 27 at 1, Court of Bankruptcy, London, div.—*Edmund Knyvett*, Great Stanmore, Middlesex, teacher of music, March 27 at 11, Court of Bankruptcy, London, div.—*John M. Leader*, Oxford-street, Middlesex, coach builder, March 31 at 1, Court of Bankruptcy, London, div.—*Wm. Faryon*, Farringdon-street, London, licensed victualler, March 26 at half-past 1, Court of Bankruptcy, London, div.—*Wm. Hay* and *John A. Titterton*, London-road, Surrey, oil and colourmen, March 26 at 1, Court of Bankruptcy, London, div.—*Thos. Moger*, Holborn-hill, London, and Coventry-street, Haymarket, Middlesex, poulterer, April 1 at 2, Court of Bankruptcy, London, div.—*Thomas Mortimer*, East-lane, Walworth, Surrey, victualler, April 1 at 11, Court of Bankruptcy, London, div.—*Samuel Cullen*, Nottingham, chymist, March 30 at 11, District Court of Bankruptcy, Birmingham, aud. ac. and div.—*Fras. Fothergill* and *Jas. McInnes*, Bell's-close, near Scotswood, Northumberland, lamp-black manufacturers, March 27 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, div. sep. est. *Francis Fothergill*.—*Chas. Bunn*, Birmingham, gilt toy maker, March 28 at 11, District Court of Bankruptcy, Birmingham, div.—*Wm. Walker*, Birmingham, hatter, March 27 at 11, District Court of Bankruptcy, Birmingham, div.—*Wm. Britton*, Borrowby, Yorkshire, manufacturer of linen cloth, March 28 at 11, District Court of Bankruptcy, Leeds, aud. ac.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on the Day of Meeting.*

*Victoire Susanne Ursule Lenormand*, Regent-street, Middlesex, milliner, March 31 at 1, Court of Bankruptcy, London.—*Robert Headington*, Bath, and Liverpool, loaman, March 31 at 11, District Court of Bankruptcy, Liverpool.—*Robert Edwards Walber*, Liverpool, ship broker, March 12 at 12, District Court of Bankruptcy, Liverpool.—*T. Hodgson*, Liverpool, bookseller, March 27 at 11, District Court of Bankruptcy, Liverpool.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before March 27.*

*Sarah Caroline Fry*, Margate, Kent, widow, stationer.—*Benjamin Jones*, City-road, Middlesex, draper.—*Edward P. Harding*, Gravesend, Kent, hosier.—*Wm. Hen. Blackmore*, Dean-street, Soho, Middlesex, plumber.—*James Robinson*, Leeds, cloth merchant.—*C. W. Davies*, Holborn, Middlesex, upholsterer.—*Wm. Faryon*, Farringdon-street, London, licensed victualler.

#### PARTNERSHIP DISSOLVED.

*John Wadsworth* and *Edwin Patchitt*, Nottingham, attornies and solicitors.

#### SCOTCH SEQUESTRATION.

*James Watt*, Dundee, tea merchant.

#### DECLARATION OF INSOLVENCY.

*John Drage*, Leighton Buzzard, Bedfordshire, watch and clock maker.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Courts of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*John Waddell*, Northampton, grocer, March 19 at 2, Court of Bankruptcy, London.—*Jas. P. Davies*, Chiswick-lodge, Chiswick, Middlesex, attorney at law, March 19 at 12, Court of Bankruptcy, London.—*Jas. H. Bedford*, Newport Pagnell,

Buckinghamshire, coach maker, March 19 at 12, Court of Bankruptcy, London.—*Thomas Brown*, Wing, Buckinghamshire, farrier, March 19 at 11, Court of Bankruptcy, London.—*James Clarke*, Bishop's Stortford, Hertfordshire, brazier, March 19 at 11, Court of Bankruptcy, London.—*C. S. Williams*, Lower Lisson-street, New-road, Middlesex, private tutor, March 20 at 11, Court of Bankruptcy, London.—*W. Carr*, Wickham-market, Suffolk, shoemaker, March 20 at 11, Court of Bankruptcy, London.—*Richard Clarke* the younger, Clapham-rise, Surrey, plumber, March 19 at 11, Court of Bankruptcy, London.—*Thos. George Webb*, Bromley, Middlesex, veterinary surgeon, March 19 at 12, Court of Bankruptcy, London.—*John Chambers*, John-street, Tottenham-court-road, Middlesex, coach painter, March 19 at 11, Court of Bankruptcy, London.—*Richard Edwards*, Torston-street, Ashley-crescent, City-rd., Middlesex, merchant's clerk, March 19 at half-past 11, Court of Bankruptcy, London.—*Wm. T. Matthews*, Great Coggeshall, Essex, tailor, March 19 at half-past 11, Court of Bankruptcy, London.—*Henry Wright*, Leamington-priors, Warwickshire, out of business, March 19 at 12, Court of Bankruptcy, London.—*Wm. Toleman*, Spread Eagle-street, Limehouse, Middlesex, leather cutter, March 19 at 11, Court of Bankruptcy, London.—*Richard Elston*, New Church-street, Lisson-grove, Middlesex, out of business, March 19 at 11, Court of Bankruptcy, London.—*J. Tietkens*, Upper Crown-street, Westminster, out of business, March 16 at half-past 11, Court of Bankruptcy, London.—*H. Bouchier*, Bow-lane-cottage, East India-road, Middlesex, captain in the royal navy, March 16 at half-past 11, Court of Bankruptcy, London.—*Wm. Smith*, Great Dunmow, Essex, cabinet maker, March 16 at half-past 11, Court of Bankruptcy, London.—*John Duncan Cressy*, Bistern-place, New-road, Blackwall, mariner, March 16 at 12, Court of Bankruptcy, London.—*Samuel Martin*, Bedford-street, Walworth, Surrey, stay maker, March 16 at 11, Court of Bankruptcy, London.—*John Launder*, Cambridge, baker, March 19 at 11, Court of Bankruptcy, London.—*Joh Eddolls*, Bristol, gardener, March 30 at 12, District Court of Bankruptcy, Bristol.—*Matthew Burnett*, Webber-row, Duke-street, Westminster, Middlesex, out of business, March 20 at 11, Court of Bankruptcy, London.—*Joseph Ollis*, Twerton, Somersetshire, tailor, March 23 at 11, District Court of Bankruptcy, Bristol.—*J. Charlesworth*, Hartshead-cum-Clifton, Dewsbury, Yorkshire, card maker, March 10 at 11, District Court of Bankruptcy, Leeds.—*Edmund Skidmore*, Sheffield, Yorkshire, cutler, March 13 at 11, Cutlers'-hall, Sheffield.—*Wm. Cooke*, Little Sheffield, Yorkshire, razor grinder, March 13 at 11, Cutlers'-hall, Sheffield.—*J. Freeman* the elder, Barnsley, Yorkshire, labourer, March 20 at 11, District Court of Bankruptcy, Leeds.—*Thomas Leaver*, Blackburn, Lancashire, shoemaker, March 19 at 12, District Court of Bankruptcy, Manchester.—*William Hargreaves*, Burnley, Lancashire, painter, March 18 at 12, District Court of Bankruptcy, Manchester.—*John Livesey* the elder, West Derby, Lancashire, out of business, March 20 at 12, District Court of Bankruptcy, Liverpool.—*Thos. Stephens*, Salford, Lancashire, provision shopkeeper, March 17 at 12, District Court of Bankruptcy, Manchester.—*Thos. Taylor*, Nottingham, framework knitter, March 27 at 11, District Court of Bankruptcy, Birmingham.—*Richard Handley*, Nerton, Burford, Shropshire, tailor, March 17 at 11, District Court of Bankruptcy, Birmingham.—*W. Chell*, Wallness, Pendleton, Lancashire, commission agent, March 19 at 12, District Court of Bankruptcy, Manchester.—*Joseph Mustey*, St. Paul, Bristol, farmer, March 19 at half-past 12, District Court of Bankruptcy, Bristol.—*Jas. Parker*, Sheffield, Yorkshire, out of business, March 20 at 11, District Court of Bankruptcy, Leeds.—*Sam. Willifer*, Lower Broughton, Manchester, filter manufacturers, March 19 at 12, District Court of Bankruptcy, Manchester.—*Rich. Harrison*, Dudley, Worcestershire, out of business, March 14 at half-past 10, District Court of Bankruptcy, Birmingham.—*Hen. Tennant*, Shrewsbury, Shropshire, butcher, March 21 at half-past 10, District Court of Bankruptcy, Birmingham.—*Thos. Williams*, Bough-ton, Cheahire, butcher, March 24 at 12, District Court of Bankruptcy, Liverpool.

*Wednesday, March 4.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Moss Davids*, Earl-st., Blackfriars, London, fishmonger:

in the Debtors Prison for London and Middlesex.—*Jas. Lord*, Cambridge-st., Hackney-road, Middlesex, coal dealer: in the Debtors Prison for London and Middlesex.—*John H. Nainby*, Regent-st., Lambeth, Surrey, no business: in the Queen's Prison.—*Wm. Rutter*, Albert-street, Mornington-crescent, Middlesex, surgeon: in the Queen's Prison.—*Geo. Rob. E. Hickford*, North-st., Maida-hill, Paddington, Middlesex, out of business: in the Queen's Prison.—*Morris Paddon*, Albany-road, Camberwell, Surrey, clerk in the General Post-office: in the Queen's Prison.—*Thos. Smith*, Salisbury-st., Bermondsey, Surrey, ship carver: in the Gaol of Surrey.—*J. Mairied*, Manor-place North, Chelsea, Middlesex, gentleman: in the Queen's Prison.—*Sams. Sibery* the younger, Pimlico, Middlesex, out of business: in the Queen's Prison.—*William Wheatley*, Great Portland-st., Mary-le-bone, Middlesex, boot maker: in the Debtors Prison for London and Middlesex.

(On Creditor's Petition).

*Alf. Sidebottom*, Liverpool, cotton broker: in the Debtors Prison for London and Middlesex.—*Geo. Logan*, Fir-tree-cottage, White Horse-road, Croydon, Surrey, gentleman: in the Gaol of Surrey.

(On their own Petitions).

*Arthur Worboys*, Birmingham, out of business: in the Gaol of Warwick.—*Ann Angwin*, widow, Phillack, Cornwall: in the Gaol of Bodmin.—*Jas. Croushaw*, Turton Tower, Turton, near Bolton-le-Moors, Lancashire, farmer: in the Gaol of Lancaster.—*Rob. Sims*, Leicester, licensed victualler: in the Gaol of Leicester.—*Rich. Goodridge*, Exeter, baker: in the Gaol of Exeter.—*Rich. Astwick*, Flockton, near Wakefield, Yorkshire, carpenter: in York Castle.—*John Moody*, Denly, near Penistons, Yorkshire, wood dealer: in York Castle.—*Joseph Moody*, Hopton, near Dewsbury, Yorkshire, wood dealer: in York Castle.—*Geo. Pickard*, Flockton, near Wakefield, Yorkshire, coal agent: in York Castle.—*John Sharp*, Horton, near Bradford, Yorkshire, machine maker: in York Castle.—*Arthur Hunt*, Southampton, water carrier: in the Gaol of Southampton.—*Thos. Samson*, Wootton Fitzpaine, Dorsetshire, out of business: in the Gaol of Dorchester.

The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Saturday, March 21, at 9.

*John Thompson*, Broker's-alley, Drury-lane, Middlesex, broker.—*Simon S. Hore*, Radnor-st., St. Luke's, Middlesex, retailer of beer.—*Dav. Bather*, Clapham, Surrey, beer-shop keeper.—*John Shaff*, Moor-terrace, New Peckham, Surrey, clerk in the Register Office, Somerset-house.—*Thos. Wilkinson*, Kensington-gore, Middlesex, accountant.—*Geo. Garrett*, Adelaide-st., Trafalgar-sq., Middlesex, surgeon.—*Matthew N. Chapman*, Elizabeth-st., Walworth-common, Walworth, Surrey, out of business.—*Wm. O. Ryall*, East-st., Lamb's Conduit-st., Middlesex, tailor.—*Colevill G. Dore*, Southgate, Middlesex, no trade.—*Jos. Guibert*, Cross-st., Hatton-garden, Middlesex, goldsmith.

March 23, at the same hour and place.

*Geo. Flynn*, Kingsland-road, Middlesex, out of business.—*Thos. Higgins*, High-street, Battersea, Surrey, out of business.—*Francis B. Garty*, Elizabeth-place, Brixton-road, Surrey, surgeon.—*John G. W. Welch*, Circus, Minorities, London, attorney's clerk.—*Jas. Fred. Keeling*, Diddington-place, Caledonian-road, Islington, Middlesex, clerk to a surveyor.—*Hen. Lucombe*, Clifford's Inn, Fleet-street, London, extra clerk in the Admiralty Office, Somerset-house.—*Alf. Willeker*, John-street, Union-st., Surrey, cabriolet proprietor.—*Jos. Lane*, Sydney-place, Stamford-hill, Middlesex, out of business.—*Geo. Webster*, Morpeth-street, Bethnal-green, Middlesex, out of business.—*Geo. Tomlinson*, Sidney-street, City-road, Middlesex, carpenter.

Court-house, ExETER, Devonshire, March 23 at 10.

*Daniel Butler*, Sidmouth, innkeeper.—*Wm. Hayes*, Plymouth, clerk in the City of Dublin Steam-packet Company's Office.—*Wm. Kneebone*, Plymouth, out of business.

Court-house, TAUNTON, Somersetshire, March 20 at 10.

*Jas. Privett*, Pultney-bridge, Bath, saddler.—*Geo. Snow*, Bath, out of business.—*Wm. Beale*, Lyncombe and Widcombe, Bath, porter to a tallow chandler.—*Abraham Stallard*, Stowey, near Pensford, assistant to a farmer.

Court-house, LINCOLN, (County), March 21 at 10.

*Thos. Hallgath*, Leek, near Boston, dealer in potatoes.—

*Grace Parker*, Grantham, fishmonger.—*John Jackson* the elder, Swineshead, toll-gate keeper.—*John Nelthorpe*, Louth, surgeon.

Court-house, LINCOLN, (City), March 21 at 10.

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No. 479—VOL. X.

MARCH 14, 1846.

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LONDON, MARCH 14, 1846.

THE result of some late proceedings at law, has fully satisfied the public, and those unfortunate grown-up children who have for the last year been playing at railway companies, that the creditors of companies that have proceeded just far enough to contract debts for preliminary expenses, and have then sunk into annihilation, may fix upon and carry off their man out of a set of provisional committee-men or preliminary directors, just as a tiger is said to spring from the jungle into the midst of a circle, and to mark and carry off his man; and may obtain payment from their victim alone, if he has had the incaution to hold himself out at all as an active member of the intended company; leaving him to obtain contribution from his fellow committee-men as best he may.

To talk of any hope of a person so dealt with practically obtaining contribution at law would be, of course, out of the question; and those among our professional readers who have attended to equity practice are well aware, that the difficulties besetting any proceeding in equity for that purpose, under the present rules of procedure, even modified and moulded as they have been to the exigences of the times by some late decisions, are nearly insurmountable. So that, in most cases, a person placed in the supposed position, against whom a debt due from the deceased company is recovered, has, practically, no remedy.

It is singular, that, under these circumstances, it has been so little noticed by the Profession, that the 7 & 8 Vict. c. 111, s. 22, appears to give to the Lord Chancellor and the other equity judges, ample powers to make General Orders for meeting the very case under consideration. By that section, reciting that the law is defective in the means of making the members of joint-stock companies contributaries for paying their

debts in full, and in the means of giving relief where execution may have been had in respect of a debt due from any such company against one or a very few members of such company, and also in the means of adjusting the rights of the members of any such company amongst themselves, and, finally, winding up the affairs of such company, it is enacted, "that it shall be lawful for the Lord Chancellor, with the advice and consent of the Master of the Rolls and the Vice-Chancellors for the time being, or any of them, from time to time, and as often as circumstances shall require, to make and prescribe such rules and Orders touching and concerning the form and mode of proceeding to be had and taken in the Court of Chancery for settling and enforcing the contribution to be paid by any member or members for the time being of any such company, or any former member or members thereof, or any real or personal representative, or other persons liable in that behalf, and the practice to be observed by such court in or relating to such proceeding, or any matters incident thereto, and the form and mode of proceeding to be had and taken before any one of the Masters of the said court, primarily or by reference from the said court, in any measure for or relating to contribution, as shall from time to time seem necessary and proper for the advancement of justice in such cases, and for adjusting and determining the rights and equities of the parties concerned, and for suing for and getting in the assets and for ascertaining and discharging the liabilities of such companies, and requiring the creditors thereof to claim their debts; and, finally, winding up the affairs thereof with as little delay, expense, and uncertainty as possible: Provided always, that such rules and Orders shall be laid before both Houses of Parliament within one month from the making thereof, if Parliament be then sitting, or, if Parliament be not then sitting, within one month from the com-



commencement of the then next session of Parliament, and every rule and Order so made shall be binding and obligatory, and be of like force and effect as if the provisions contained therein had been expressly enacted by Parliament."

Some doubt may exist whether the act gives power to make such General Orders in respect of that incomplete species of partnership, composed of persons who meet together as provisional committee-men, and allottees of scrip, and undertake to contribute capital by subscription, for the purpose of doing those things that are necessary to form a complete partnership. We have, in a former paper in this journal, (Vol. 9, p. 489), laboured to prove that such an association, though not a partnership so as to constitute persons members of it ipso facto partners in relation to third persons, is yet a limited partnership of the associated inter se. But, supposing that even, for the purpose of a limited partnership inter se, such persons are partners, it would not follow that they are a "joint-stock company," which is the term used by the section above cited of the 7 & 8 Vict. c. 111. Assuming, however, that such associations are intended by the 7 & 8 Vict. c. 111, s. 22, that section seems to afford to the Lord Chancellor and the other judges of the courts of equity complete means of meeting the difficulty. Of course it cannot be expected or desired that any General Orders should be framed, which should have the effect of diminishing the right of a creditor to a full remedy. Persons dealing with embryo companies, almost invariably do so on the credit of some particular persons whom they find acting or holding themselves out as members; and it would be grossly unjust to deprive them of their right to recover against such persons; but it may admit of doubt whether there would be any hardship upon persons dealing as creditors, with a body of provisional committee-men on behalf of a numerous body of subscribers, if they were placed by the law in the position of being subjected to the more dilatory process of recovering in equity; not being deprived of their right to recover absolutely against any particular selected members of the company, if the others do not contribute enough; but being compelled in the first instance to seek a remedy against all the members of the company rateably, and, failing in that only, to be entitled to recover the balance against the particular persons selected as principal defendants. This question, however, need not be discussed, as the act gives no power to the court to take away, by General Orders, the right of a creditor to proceed at law; but only to give to the selected debtor, after execution shall have been had against him, the means, which at present he practically has not, of making those contribute to repay him, who are justly bound to do so.

It would be a great boon to the commercial classes, if the learned persons to whom the Legislature has entrusted the power of making General Orders under the 7 & 8 Vict. c. 111, s. 22, should be induced to think it expedient to act upon even the limited powers given to them, and to frame a set of General Orders, with a view to enable the members of such joint-stock companies as we have alluded to, against whom judgment and execution have been obtained, effectively to proceed in equity against their co-members for contribution.

We trust that some influential members of the Bar will take an opportunity of bringing under the notice of the Lord Chancellor, the expediency of directing his attention to the exercise of the powers vested in him by the 7 & 8 Vict. c. 111. And, in the meantime, in the hope of rousing the attention of the Profession, and of those interested in dying or dead railway companies, to this subject, we shall endeavour in our next Number to collect some suggestions upon the principles which, we apprehend, would be found applicable in respect of the relief required.

## ON THE CURTESY OF THE HUSBAND OF A COPARCENER.

The consideration of the subject of descent amongst coparceners naturally leads to the question of curtesy. On the decease of a coparcener of an estate in fee simple, is her husband, having had issue by her, entitled, according to the present law, to an estate for life, by the curtesy of England, in the whole or in any part of her share?

In order to answer this question satisfactorily, it will be necessary, first, to examine into the principles of the ancient law, and then to apply those principles, when ascertained, to the law as at present existing. Unfortunately the authorities whence the principles of the old law ought to be derived do not appear to be quite consistent with one another; and the consequence is, that some uncertainty seems unavoidably to hang over the question above propounded. Let us, however, weigh carefully the opposing authorities, and endeavour to ascertain on which side the scale preponderates.

Littleton, "not the name of the author only, but of the law itself," thus defines curtesy: "Tenant by the curtesie of England is where a man taketh a wife seised in fee simple or in fee tail general, or seised as heir in tail especial, and hath issue by the same wife, male or female, born alive, albeit the issue after dieth or liveth, yet, if the wife dies, the husband shall hold the land during his life by the law of England. And he is called tenant by the curtesie of England, because this is used in no other realme, but in England only." (Litt., s. 35). And, in a subsequent section, he adds, "Memorandum, that, in every case where a man taketh a wife seised of such an estate of tenements, &c., as the issue which he hath by his wife may, by possibility, inherit the same tenements of such an estate as the wife hath, *as heir to the wife*; in this case, after the decease of the wife, he shall have the same tenements by the curtesie of England, *but otherwise not*." (Litt., s. 52). "Memorandum," says Lord Coke, in his Commentary, (Co. Litt. 40. a.), "this word doth ever betoken some excellent point of learning." Again, "*As heir to the wife*. This doth imply a secret of law, for, except the wife be actually seised, the heir shall not (as hath been said) make himself *heir to the wife*; and *this is the reason*, that a man shall not be tenant by the curtesie of a seisin in law." Here, we find it asserted by Littleton, that the husband shall not be tenant by the curtesy, unless he has had issue by his wife capable of inheriting the land *as her heir*; and this is explained by Lord Coke to be, such issue as would have traced their descent from the wife, as the stock of descent, according to the maxim, "*Seisina facit stipitem*." Unless an actual seisin had been obtained by the wife, she could not have been the stock of descent; for the descent of a fee simple was traced from the person last *actually seised*; "and *this is the reason*," says Lord Coke, "that a man shall not be tenant by the curtesy of a mere seisin in law." The same rule, with the same reason for it, will also be found in *Paine's case*, (8 Rep. 36 a), where it is said, "And when Littleton saith, *as heir to the wife*, these words are very material; for that is the *true reason* that a man shall not be tenant by the curtesy of a seisin in law, for, in such case, the issue ought to make himself heir to him who was last actually seised." The same doctrine again appears in Blackstone, (2 Black. Comm. 128): "And this seems to be the principal reason why the husband cannot be tenant by the curtesy of any lands of which the wife was not actually seised; because, in order to entitle himself to such estate, he must have begotten issue that may be heir to the wife; but no one, by the standing rule of law, can be heir to the ancestor of any land, whereof the ancestor was not actually seised; and, therefore, as the husband hath never begotten any issue that can be heir



to those lands, he shall not be tenant of them by the curtesy. And hence," continues Blackstone, in his usual laudatory strain, "we may observe, with how much nicety and consideration the old rules of law were framed, and how closely they are connected and interwoven together, supporting, illustrating, and demonstrating one another." Here we have, indeed, a formidable array of authorities, all to the point, that, in order to entitle the husband to his curtesy, his wife must have been the stock from whom descent should have been traced to her issue; for the principal and true reason that there could not be any curtesy of a seisin in law is stated to be, that the issue could not, in such a case, make himself heir to the wife, because his descent was then required to be traced from the person last actually seised.

Let us, then, endeavour to apply this principle to the present law. The act for the amendment of the law of inheritance (3 & 4 Will. 4, c. 106) enacts, (sect. 2), that, in every case, descent shall be traced from the purchaser. On the decease of a coparcener, the descent of her share is, therefore, to be now traced, not from herself, but from her ancestor, the purchaser, from whom she inherited. With respect to the persons to become entitled, as heir to the purchaser on this descent, the question arises, which has already been discussed, (ante, p. 71), whether the surviving sister equally with the issue of the deceased, or whether such issue solely, are now entitled to inherit? And the conclusion at which we arrived was, that the issue solely succeeded to their mother's share. But, whether this be so, or not, nothing is clearer than that, on the decease of a coparcener, the persons who next inherit take as heir to the purchaser, and not to the coparcener; for, from the purchaser alone can descent be now traced; and the mere circumstance of having obtained an actual seisin does not now make the parcener the stock of descent. Now, then, can her husband be entitled to hold her share as tenant by the curtesy? If tenancy by the curtesy was allowed of those lands only of which the wife had obtained actual seisin, because it was a necessary condition of curtesy that the wife should be the stock of descent, and because an actual seisin alone made the wife the stock of descent, how can the husband obtain his curtesy in any case where the stock of descent is confessedly not the wife, but the wife's ancestor? Amongst all the recent alterations of the law, the doctrine of curtesy has been left untouched; there seems, therefore, to be no means of determining any question respecting it, but by applying the old principles to the new enactments, by which, indirectly, it may be affected. So far, then, as at present appears, it seems a fair and proper deduction from the authorities, that, whenever a woman has become entitled to lands by descent, her husband cannot claim his curtesy, because the descent of such lands, on her decease, is not to be traced from her.

But, by carrying our investigations a little further, we may be disposed to doubt, if not to deny, that such is the law; not that the conclusion drawn is unwarranted by the authorities, but the authorities themselves may, perhaps, be found to be erroneous. Let us now compare the law of curtesy of an estate tail with the law of curtesy of an estate in fee simple. In the section of Littleton which we have already quoted, (sect. 35), it is laid down, that, if a man taketh a wife seised as heir in tail especial, and hath issue by her, born alive, he shall, on her decease, be tenant by the curtesy. And on this Lord Coke makes, the following commentary:—"And here Littleton intendeth a seisin in deed, if it may be attained unto. As if a man dieth seised of lands in fee simple or fee tail general, and these lands descend to his daughter, and she taketh a husband and hath issue, and dyeth before any entry, the husband shall not be tenant by the curtesy, and yet, in this case,

she had a seisin in law; but, if she or her husband had, during her life, entered, he should have been tenant by the curtesy." (Co. Litt. 29. a.) Now, it is well known that the descent of an estate tail is always traced from the purchaser or original donee in tail. The actual seisin which might be obtained by the heir to an estate tail never made him the stock of descent. The maxim was, "*Possessio fratris de feudo simplici facit sororem esse heredem*." Where, therefore, a coparcener who had been seised in tail died, leaving issue, such issue made themselves heir not to her, but to her ancestor, the purchaser or donee; and whether the mother did or did not obtain actual seisin was, in this respect, totally immaterial. When actual seisin was obtained, the issue still made themselves heir to the purchaser only, and yet the husband was entitled to his curtesy. When actual seisin was not obtained, the issue were heirs to the purchaser as before; but the husband lost his curtesy. In the case of an estate tail, therefore, it is quite clear that the question of curtesy or no curtesy depended entirely on the husband's obtaining for his wife an actual seisin, and had nothing to do with the circumstance of the wife's being, or not being, the stock of descent. The reason, therefore, before mentioned, given by Lord Coke and repeated by Blackstone, cannot apply to an estate tail. An actual seisin could not have been required in order to make the wife the stock of descent, because the descent could not, under any circumstances, be traced from her, but must have been traced from the original donee to the heir of his body per formam doni.

Again, if we look to the law respecting curtesy in incorporeal hereditaments, we shall find that the reason above given is inapplicable; for the husband, on having issue born, was entitled to his curtesy out of an advowson and a rent, although no actual seisin had been obtained, in the wife's lifetime, by receipt of the rent or presentation to the advowson. (Watk. Descents, 39, 47, 4th ed.) And yet, in order to make the wife the stock of descent as to such hereditaments, it was necessary that an actual seisin should be obtained by her. (Watk. Descents, 60, 67, 4th ed.) The husband, therefore, was entitled to his curtesy where the descent to the issue was traced from the ancestor of his wife, as well as where traced from the wife herself. In this case, also, the right to curtesy was, accordingly, independent of the wife's being, or not being, the stock from which the descent was to be traced.

We are driven, therefore, to search for another and more satisfactory reason why an actual seisin should have been required to be obtained by the wife, in order to entitle her husband to his curtesy out of her lands; and such a reason is furnished by Lord Coke himself, and also by Blackstone. Lord Coke says, (Co. Litt. 31. a.), "Where lands or tenements descend to the husband, before entry he hath but a seisin in law, and yet the wife shall be endowed, albeit it be not reduced to an actual possession, for it lieth not in the power of the wife to bring it to an actual seisin, as the husband may do of his wife's land, when he is to be tenant by curtesy, which is worthy the observation." It would seem from this, therefore, that the reason why an actual seisin was required to entitle the husband to his curtesy was, that his wife might not suffer by his neglect to take possession of her lands; and, in order to induce him to do so, the law allowed him curtesy of all lands of which an actual seisin had been obtained, but refused him his curtesy out of such lands as he had taken no pains to obtain possession of. This reason also is adopted by Blackstone from Coke: "A seisin in law of the husband will be as effectual as a seisin in deed, in order to render the wife dowerable; for it is not in the wife's power to bring the husband's title to an actual seisin, as it is in the husband's power to do with regard to the wife's lands: which is one reason why he shall not be ten-

*nant by the curtesy, but of such lands whereof the wife, or he himself in her right, was actually seised in deed.*" (2 Black. Com. 131). The more we investigate the rules and principles of the ancient law, the greater will appear the probability that this reason was indeed the true one. In the troublous times of old, an actual seisin was not always easily acquired. The doctrine of continual claim shews that peril was not unfrequently incurred in entering on lands for the sake of asserting a title; for, in order to obtain an actual seisin, any person entitled, if unable to approach the premises, was bound to come as near as he dare. (Litt., ss. 419, 421). And "it is to be observed," says Lord Coke, "that every doubt or fear is not sufficient, for it must concern the safety of the person of a man, and not his houses or goods; for if he fear the burning of his houses, or the taking away or spoiling of his goods, this is not sufficient." (Co. Litt. 253. b.) That actual seisin should be obtained was obviously most desirable, and nothing could be more natural or reasonable than that the husband should have no curtesy where he had failed to obtain it. Perkins seems to think that this was the reason of the rule; for in his Profitable Book he answers an objection to it, founded on an extreme case. "But if possession in law of lands or tenements in fee descend unto a married woman, which lands are in the county of York, and the husband and his wife are dwelling in the county of Essex, and the wife dieth within one day after the descent, so as the husband could not enter during the coverture, for the shortness of the time, yet he shall not be tenant by the curtesy, &c.; and yet, according to common pretence, there is no default in the husband. But it may be said that the husband of the woman, before the death of the ancestor of the woman, might have spoken unto a man dwelling near unto the place where the lands lay, to enter for the woman, as in her right, immediately after the death of her ancestor," &c. (Perk. 470). This reason for the rule is also quite consistent with the circumstance that the husband was entitled to his curtesy out of incorporeal hereditaments, notwithstanding his failure to obtain an actual seisin. For if the advowson were not void, or the rent did not become payable during the wife's life, it was obviously impossible for the husband to present to the one or receive the other; and it would have been unreasonable that he should suffer for not doing an impossibility, the maxim being, "*Impotentia excusat legem.*" This is the reason, indeed, usually given to explain this circumstance; and it will be found both in Lord Coke (Co. Litt. 29. a.) and Blackstone, (2 Black. Com. 127). This reason, however, is plainly at variance with that mentioned in the former part of this paper, and adduced by them to explain the necessity of an actual seisin, in order to entitle the husband to his curtesy out of lands in fee simple.

There still remains, however, the section of Littleton to which we have before referred, (sect. 52), as an apparent authority on the other side. Littleton expressly says, that when the issue may, by possibility, inherit of such an estate as the wife hath, as heir to the wife, the husband shall have his curtesy, but otherwise not; and we have seen that, according to Lord Coke's interpretation, to inherit as heir to the wife, means, here, to inherit from the wife as the stock of descent. But the legitimate mode of interpreting an author certainly is to attend to the context, and to notice in what sense he himself uses the phrase in question on other occasions. If now we turn to the very next section of Littleton, we shall find the very same phrase made use of in a manner which clearly shews that Littleton did not mean, by inheriting as heir to a person, inheriting from that person as the stock of descent. For, after having thus laid down the law as to curtesy, Littleton continues: "And, also, in every case where a woman

taketh a husband seised of such an estate in tenements, &c., so as, by possibility, it may happen that the wife may have issue by her husband, and that the same issue may, by possibility, inherit the same tenements of such an estate as the husband hath, as heir to the husband, of such tenements she shall have her dower, and otherwise not." (Litt., s. 53). Now, nothing is clearer than that a wife was entitled to dower out of lands of which her husband had only a seisin in law; (Watk. Descents, 32, 42, 4th ed.); and nothing, also, is clearer than that a seisin in law only was insufficient to make the husband the stock of descent; for, for this purpose, an actual seisin was requisite, according to the rule, "*Seisina facit stipitem.*" In this case, therefore, it is obvious that Littleton could not mean to say that the husband must have been made the stock of descent, by virtue of having obtained an actual seisin; for that would have been to contradict the plainest rules of law. What, then, was his meaning? The subsequent part of the same section affords an explanation: "For, if tenements be given to a man and to the heirs which he shall beget of the body of his wife, in this case the wife hath nothing in the tenements, and the husband hath an estate tail as donee in special tail. Yet, if the husband die without issue, the same wife shall be endowed of the same tenements, because the issue which she, by possibility, might have had by the same husband, might have inherited the same tenements. But, if the wife dieth living her husband, and after the husband takes another wife and dieth, his second wife shall not be endowed in this case, for the reason aforesaid." This example shews what was Littleton's true meaning. He was not thinking, either in this section or in the one next before it, of the husband or wife being the stock of descent, instead of some earlier ancestor. He was laying down a general rule, applicable to dower as well as to curtesy; namely, that, if the issue that might have been born in the one case, or that were born in the other, of the surviving parent, could not, by possibility, inherit the estate of their deceased parent, by right of representation of such parent, then the surviving parent was not entitled to dower in the one case, or to curtesy in the other. It is plain, that, in the example just adduced, the issue of the husband by his second marriage could not possibly inherit his estate, which was given to him and the heirs of his body by his first wife: the second wife, therefore, was excluded from dower out of this estate. And, in the parallel case of a gift to a woman and the heirs of her body by her first husband, it is indisputable, that, for a precisely similar reason, her second husband could not claim his curtesy on having issue by her; for such issue could not possibly inherit their mother's estate. All that Littleton then intended to state with respect to curtesy was the rule laid down by the Statute de Donis, (13 Edw. 1. c. 1), which provides, that, where any person gives lands to a man and his wife and the heirs of their bodies, or where any person gives lands in *frankmarriage*, the second husband of any such woman shall not have anything in the land so given, after the death of his wife, by the law of England, nor shall the issue of the second husband and wife succeed in the inheritance. (See Bac. Abr., tit. "Curtesy of England," (C.), 1). When the two sections of Littleton are read consecutively, without the introduction of Lord Coke's Commentary, their meaning is apparent; and the intervening commentary not only puts the reader on the wrong clue, but hinders his recovery of the right one, by removing to a distance the explanatory context.

If our construction of Littleton be the true one, it throws some light on the question discussed in our last paper, on the course of descent amongst coparceners. We there endeavoured to shew that the issue of a coparcener always stood in the place of their parent, by right of representation, even where descent was traced

from some more remote ancestor as the stock. Littleton, with this view of the subject in his mind, and never suspecting that any other could be entertained, might well speak generally of issue inheriting *as heir* to their parent, even though the share of the parent might have descended to the issue as heir to some more remote ancestor. The authorities adduced in our former paper thus tend further to explain the language of Littleton; whilst the language of Littleton, as above explained, illustrates and confirms the authorities previously adduced.

Having, at length, arrived at the true principles of the old law, the application of them to the state of circumstances produced by the new law of inheritance will be very easy. A coparcener dies leaving a husband who has had issue by her, and leaving one or more sisters surviving her. The descent of her share is now traced from their common parent, the purchaser. But, in tracing this descent, we have seen, in our former paper, that the issue of the deceased coparcener would inherit her entire share by representation of her. And the condition which will entitle her husband to curtesy out of her share appears, by our present paper, to be, that his issue might possibly inherit the estate by right of representation of their deceased mother. This condition, therefore, is obviously fulfilled, and our conclusion consequently is, that the husband of a deceased coparcener who has had issue by her is entitled to curtesy out of the whole of her share. But, in order to arrive at this conclusion, it seems that we must admit, first, that Lord Coke has endeavoured to support the law by one reason too many; and, secondly, that one laudatory flourish of Blackstone has been made without occasion.

J. W.

### London Gazette.

TUESDAY, MARCH 10.

#### BANKRUPTS.

**WILLIAM HARDING**, Edward's-street, Portman-square, James-street, Manchester-square, Marylebone-lane, and Wigmore-street, Middlesex, turner, and rug, brush, and basket manufacturer, March 20 at 1, and April 21 at half-past 1, Court of Bankruptcy, London: Off. Ass. Alsager; Sol. Mordaunt, Bolton-st., Piccadilly.—Fiat dated March 4.

**WILLIAM JAMES HARRIS**, High-street, Southwark, Surrey, tailor and woollen draper, dealer and chapman, March 21 at 12, and April 18 at 1, Court of Bankruptcy, London: Off. Ass. Green; Sol. Wellborne, 31, Tooley-street.—Fiat dated March 9.

**JOSEPH SEWELL**, Great Dunmow, Essex, grocer, March 18 at half-past 12, and April 23 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Wade & Pennington, Frederick's-place, Old Jewry.—Fiat dated March 7.

**SAMUEL PRITCHETT and JOSEPH PECKOVER**, ORIDGE, Charlbury, Oxfordshire, glove manufacturers, drapers, grocers, dealers and chapmen, March 20 at 2, and April 18 at 12, Court of Bankruptcy, London: Off. Ass. Green; Sol. Patten, Ely-place, Holborn.—Fiat dated March 5.

**EDWARD MORGAN**, Lisson-street, St. Marylebone, Middlesex, coach builder, dealer and chapman, March 20 at 12, and April 18 at 11, Court of Bankruptcy, London: Off. Ass. Follett; Sols. Bicknells, Manchester-street, Manchester-square.—Fiat dated March 6.

**WILLIAM JOHN IDENDEN**, Salmon's-lane, Limehouse, Middlesex, tailor, clothier, and general outfitter, March 17 at 1, and April 21 at half-past 11, Court of Bankruptcy, London: Off. Ass. Turquand; Sol. Tayler, Church-street, Spitalfields.—Fiat dated March 7.

**RICHARD FOULKES**, Soughton, Northop, Flintshire, cattle salesman, milkman, cowkeeper, dealer and chapman, March 20 and April 14 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sols. Almond, Liverpool; Bridger & Blake, London-wall, London.—Fiat dated March 4.

**WILLIAM FREDERICK BREWSTER**, Trumpington, Cambridgeshire, out of business, March 17 at half-past 12, and April 7 at half-past 11, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Wilkins, Furnival's-inn.—Fiat dated March 5.

**JOHN BLUNDELL**, Wigan, Lancashire, pawnbroker, March 23 and April 20 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Barrow, Wigan; Sharp & Co., 41, Bedford-row, London.—Fiat dated Feb. 21.

**JOHN RAYNER**, Stanningley, near Leeds, Yorkshire, cloth manufacturer, dealer and chapman, March 23 and April 13 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Blackburn, Leeds; Walker, Furnival's-inn, London.—Fiat dated Feb. 27.

**ANTHONY NICHOL**, Newcastle-upon-Tyne, ship broker and coal fitter, March 19 and April 21 at 2, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Harle, Newcastle-upon-Tyne; Chisholme & Co., 64, Lincoln's-inn-fields, London.—Fiat dated Feb. 28.

**THOMAS HARDING**, Lichfield, schoolmaster, bookseller and stationer, dealer and chapman, March 20 and April 18 at half-past 10, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sol. Reece, Birmingham.—Fiat dated Feb. 28.

**CHARLES GOLDSMITH**, Bristol, saddler and harness maker, March 19 and April 23 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sols. Nicholls, Birmingham; Weeks, Cook's-court, Lincoln's-inn, London.—Fiat dated Feb. 25.

**WILLIAM DALE**, Liverpool, bricklayer, dealer and chapman, March 20 and April 17 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Jones, Liverpool; Vincent & Co., Temple, London.—Fiat dated March 4.

#### MEETINGS.

*John Jas. Clark*, Hounslow and Twickenham-villas, Middlesex, and Durdham-down, Westbury-upon-Trym, Gloucestershire, builder, March 17 at 12, Court of Bankruptcy, London, last ex.—*Thos. Howell*, Dolly's Chop-house, Queen's Head-passage, Newgate-street, London, hotel keeper, March 20 at 11, Court of Bankruptcy, London, last ex.—*Thos. L. Ewell and Thos. Dowglass*, Vigo-street, Middlesex, cloth manufacturers, March 31 at half-past 11, Court of Bankruptcy, London, and ac.—*Dav. Froesehlen and Simon Price*, Dover-street, Piccadilly, Middlesex, tailors, March 31 at 11, Court of Bankruptcy, London, and ac.—*Thomas Flaherty*, Bath, Somersetshire, tailor, April 3 at 11, District Court of Bankruptcy, Bristol, and ac.—*John Collins*, Salford, Lancashire, common brewer, April 1 at 12, District Court of Bankruptcy, Manchester, and ac.—*Jas. Townsend*, Honiton, and *Geo. Brooke*, Whimple, Devonshire, bankers, April 1 at 11, District Court of Bankruptcy, Exeter, and ac.; April 2 at 1, div.—*Fred. Lingard*, New Elvet, Durham, teacher of music, April 3 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.—*Anthony Atkinson and Francis Atkinson*, Newcastle-upon-Tyne, colour manufacturers, April 2 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.; April 3 at 12, div.—*John Kent*, Stowmarket, Suffolk, beer brewer, March 20 at 12, Court of Bankruptcy, London, fin. div.—*Geo. Graham, Thos. Adams, and Michael B. Macfarlane*, Cheapside, London, calico printers, March 20 at 1, Court of Bankruptcy, London, div.—*John Batchelor*, Walcot, Bath, Somersetshire, butcher, March 31 at 12, District Court of Bankruptcy, Bristol, div.—*Wm. Newton*, Bath, coal merchant, April 2 at 12, District Court of Bankruptcy, Bristol, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on the Day of Meeting.*

*John Warren*, George-street, Hanover-square, Middlesex, surgeon, March 31 at 1, Court of Bankruptcy, London.—*Edw. Streeter*, Bristol, builder, April 3 at 11, District Court of Bankruptcy, Bristol.—*Fred. Lingard*, New Elvet, Durham, teacher of music, April 3 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Wm. W. Spence*, Newcastle-upon-Tyne, woollen draper, April 2 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne.—*John Denbigh*, Bradford, Yorkshire, wool merchant, April 2 at 11, District Court of Bankruptcy, Leeds.—*John C. Platt*, Sheffield and Doncaster, Yorkshire, printer, April 3 at 11, District Court of Bankruptcy, Leeds.—*Thos. Carey W. Pierce and Gilson*

*Homan*, Manchester, merchants, April 3 at 12, District Court of Bankruptcy, Manchester.—*Fred. Whitworth*, Shawforth, Rochdale, Lancashire, cotton manufacturer, April 7 at 12, District Court of Bankruptcy, Manchester.—*John Kelsey*, Manchester, joiner, April 1 at 12, District Court of Bankruptcy, Manchester.—*Thos. Hadley*, Manchester, plasterer, April 1 at 12, District Court of Bankruptcy, Manchester.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before March 31.*

*John M'Lean*, Sun-st., Bishopsgate-street-without, London, stationary and mason.—*John Brown*, Hornsey-road, Middlesex, builder.—*G. Hind*, Bishop's Waltham, Southampton, draper.—*Ezther Smith*, Southwell, Nottinghamshire, innkeeper.—*Jos. Gainer*, Stonehouse, Gloucestershire, dyer.

#### FIAT ANNULLD.

*Jos. Collinson*, Allerton and Bradford, Yorkshire, worsted spinner.

#### PARTNERSHIP DISSOLVED.

*Thos. P. Tyacks* and *J. G. Plomer*, Helston, Cornwall, attorneys and solicitors.

#### SCOTCH SEQUESTRATION.

*James M'Leod*, Glasgow, cartwright.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Jas. Dando*, Church-row, Fenchurch-street, London, tailor, March 18 at 12, Court of Bankruptcy, London.—*Daniel Missenden*, Newton Longville, Buckingham, farmer, March 18 at 12, Court of Bankruptcy, London.—*Wm. Bolton*, King-street, Hammersmith, Middlesex, general dealer, March 18 at 12, Court of Bankruptcy, London.—*Elizabeth Hann*, Waterloo-place, Commercial-road, Limehouse, Middlesex, widow, lodging-housekeeper, March 18 at 11, Court of Bankruptcy, London.—*H. Gimber*, Eden-place, George-row, Bermondsey, Surrey, professor of music, March 20 at 11, Court of Bankruptcy, London.—*Wm. Roper* the younger, Parsons-street, East Smithfield, Middlesex, paper hanging manufacturer, March 20 at 11, Court of Bankruptcy, London.—*L. White*, Rawstone-street, Clerkenwell, Middlesex, out of business, March 20 at 11, Court of Bankruptcy, London.—*W. Reeves*, Silver-street, Edmonton, Middlesex, beer-shopkeeper, March 19 at 12, Court of Bankruptcy, London.—*J. Brooks Player*, Bath, Somersetshire, out of business, March 23 at 11, District Court of Bankruptcy, Bristol.—*John Elias*, Gloucester, carpenter, March 26 at 11, District Court of Bankruptcy, Bristol.—*Thos. Gardner*, Cheltenham, Gloucestershire, stone mason, March 23 at 12, District Court of Bankruptcy, Bristol.—*Caleb Parker*, Cheltenham, Gloucestershire, dyer, March 23 at half-past 12, District Court of Bankruptcy, Bristol.—*J. Haworth*, Bolton-le-Moors, Lancashire, plumber, March 17 at 12, District Court of Bankruptcy, Manchester.—*J. Venables King*, Beaufort-terrace, King's-road, Chelsea, and Queen-street, Soho-square, Middlesex, March 12 at half-past 1, Court of Bankruptcy, London.

*Saturday, March 7.*

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-in-fields, on giving the Number of the Case.*

*Andrew Shiell*, Mortimer-place, Mortimer-road, Dalston, Middlesex, baker, No. 57,937 T.; *George Worts*, assignee.—*Daniel Clark*, Brett's-buildings, Camberwell-road, Surrey, plumber, No. 57,947 T.; *Thomas Anslow* and *Abraham Allen*, assignees.

*Saturday, March 7.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*John Spaul*, Beer-lane, Tower-street, London, general merchant: in the Debtors Prison for London and Middlesex.—*F. Clarke*, Grosvenor-street, Grosvenor-square, Middlesex, surgeon dentist: in the Debtors Prison for London and Middlesex.—*Adolphus F. Beech*, Rotherhithe-street, Rotherhithe, Surrey, clerk to a ship breaker: in the Queen's Prison.—*J. Wormington*, Frederick-place, Mason-street, Westminster-bridge-road, Surrey, out of business: in the Gaol of Surrey.—*Sam. Lake*, Exeter, labourer: in the Gaol of Exeter.—*W. Hill*, Watersfield, near Arundel, Sussex, retailer of beer: in the Gaol of Petworth.—*Anna Daniel*, Weedon Beck, near Northampton, widow, out of business: in the Gaol of Northampton.—*Oliver*

*Andrews*, Weston, near Bath, Somersetshire, out of business: in the Gaol of Wilton.—*Samuel Allosay*, Bristol, out of business: in the Gaol of Bristol.—*W. May*, Devonport, superannuated labourer from her Majesty's Ordnance Department, Devonport: in the Gaol of St. Thomas the Apostle.

*The following Prisoners are ordered to be brought before a Commissioner on Circuit:—*

*Court-house, RUTHIN, Denbighshire, March 25 at 10.*  
*David Jones*, Abergelle, joiner.

*Court-house, HERTFORD, March 26 at 10.*  
*Sarah Hill*, Chipping Barnet, victualler.—*Thos. Coleman*, St. Alban's, innkeeper.

*Court-house, BODMIN, Cornwall, March 26 at 10.*  
*William Cayzer*, St. Columb Major, hat manufacturer.—*J. Poole*, Penzance, cordwainer.—*J. James*, St. Agnes, tailor.—*Ann Angwin*, Phillack, widow, farmer.

*Court-house, NOTTINGHAM, (County), March 24 at 10.*  
*William Glazebrook*, Leicester, boatman.—*Charlotte Typper*, Kirkgate, Newark-upon-Trent, widow, patten-maker.—*Joseph Brooks*, Ashfield, joiner.—*Henry Henson*, Hickling, schoolmaster.—*John Kent*, Bloomsbury, hosiery.—*Edward Godfrey Leman*, Nottingham, out of business.—*Wm. Pearce*, Nottingham, cotton doubler.

#### INSOLVENT DEBTOR'S DIVIDEND.

*Edward Cole*, East Mount-terrace, Whitechapel-road, lieutenant on half-pay, March 10, Thompson's, High-street, Wapping: 3s. 6d. in the pound, (in addition to others, amounting to 12s. 4d.)

### FRIDAY, MARCH 13.

#### BANKRUPTS.

**JOSEPH SCHOLEFIELD**, Cheapside, London, cutler and dressing case manufacturer, March 24 at 11, and April 24 at 12, Court of Bankruptcy, London: Off. Ass. Belcher; Sols. Reed & Langford, Friday-st.—Fiat dated March 11.

**MILES GRIFFITH and PHILIP PEARSON**, New Bond-street, Middlesex, tailors, March 20 at 10, and April 24 at 11, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Wood & Fraser, 78, Dean-street, Soho.—Fiat dated March 12.

**THOMAS HUBERT**, Great-hall, Hungerford-market, Hungerford-st., Strand, and High Holborn, Middlesex, lighter-man, corn and coal merchant, March 24 at 11, and April 30 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Tribe, Barge-yard-chambers, Bucklersbury.—Fiat dated March 11.

**JOSEPH ELLIS WEST and HENRY TENNANT**, Leeds, Yorkshire, stock and share brokers, dealers and chapmen. (carrying on business at Leeds under the firm of West & Tennant), March 24 and April 13 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Kynaston; Sols. Blackburn, Leeds; Walker, Furnival's Inn, London.—Fiat dated March 11.

**DAVID BROADHEAD and AUGUSTUS JOHN HALCRO**, Leeds, Yorkshire, stock and share brokers, dealers and chapmen. (trading under the firm of Broadhead & Halcro), March 26 and April 16 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sols. Cariss, Leeds; Williamson & Co., Gray's Inn, London.—Fiat dated March 3.

**AARON SHIPTON and JOSEPH WISE-JENKINS**, Small's-mill, Painswick, Gloucestershire, clothiers, dealers and chapmen, March 30 and April 27 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sol. Paris, Stroud, Gloucestershire.—Fiat dated March 9.

**THOMAS SUTTON** the younger, Atherstone, Warwickshire, draper, dealer and chapman, March 24 and April 23 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sols. Tarleton & Newton, Birmingham; Wratislaw, Rugby.—Fiat dated March 3.

**WILLIAM HARDING**, Stockport, Cheshire, cotton manufacturer, dealer and chapman, March 25 and April 15 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Coppock & Woollam, Stockport; Coppock, 3, Cleveland-row, St. James, Westminster.—Fiat dated March 10.

#### MEETINGS.

*Rich. Hulce*, Lower Tower-street, London, chemist, April 3 at 3, Court of Bankruptcy, London, and ac.—*Wm. Ward*, Manchester, auctioneer, April 6 at half-past 1, Court of Bankruptcy, London, and ac.—*H. Gamble*, Grimsby, Norfolk,

grocer, April 2 at 11, Court of Bankruptcy, London, aud. ac.—*George Bond*, Epsom, Surrey, licensed victualler, April 3 at half-past 11, Court of Bankruptcy, London, aud. ac.—*J. Metford* the younger, Southampton, ironmonger, April 3 at 11, Court of Bankruptcy, London, aud. ac.—*James Gray*, Manchester, upholsterer, April 6 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*Fred. Sanford*, Manchester, woollen draper, April 6 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*John Holman*, Exeter, victualler, April 8 at 1, District Court of Bankruptcy, Exeter, aud. ac.—*H. J. Andrews*, Plymouth, Devonshire, apothecary, April 8 at 1, District Court of Bankruptcy, Exeter, aud. ac.; April 9 at 1, *dr.*—*W. Tomkinson*, Stoke-upon-Trent, Staffordshire, wine merchant, April 3 at 11, District Court of Bankruptcy, Birmingham, aud. ac.—*T. Ledyard Evill* and *T. Dowglass*, Vigor-street, Middlesex, cloth manufacturers, April 6 at half-past 12, Court of Bankruptcy, London, div.—*David Froeschlen* and *Simon Price*, Dover-street, Piccadilly, Middlesex, tailors, April 7 at 12, Court of Bankruptcy, London, div.—*Edward Lemon*, Church-row, Newington, Surrey, and *T. Kinsman Bryan*, Old Swan-pier, Upper Thames-street, London, wharfingers, April 7 at 11, Court of Bankruptcy, London, div.—*Robert M'Entire*, Paternoster-row, London, and *Barnsbury-square*, Middlesex, commission agent, April 7 at 1, Court of Bankruptcy, London, div.—*Beaumont Marshall*, High Holborn, Middlesex, tallow melter, April 3 at 1, Court of Bankruptcy, London, div.—*John Evans*, High-street, Shoreditch, Middlesex, cheesemonger, April 3 at 12, Court of Bankruptcy, London, div.—*Simon South*, Spittlegate, Grantham, Lincolnshire, maltster, April 4 at 12, District Court of Bankruptcy, Birmingham, div.—*J. Collins*, Salford, Lancashire, common brewer, April 6 at 12, District Court of Bankruptcy, Manchester, div.—*John Nightingale*, Rusholme, Manchester, innkeeper, April 7 at 12, District Court of Bankruptcy, Manchester, *fin. div.*—*Francis Glass*, Basinghall-street, London, woollen factor, April 4 at 12, Court of Bankruptcy, London, aud. ac.—*Wm. Fay*, Bath, Somersetshire, innkeeper, April 6 at half-past 12, District Court of Bankruptcy, Bristol, aud. ac.

## CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

*William Ward*, Manchester, auctioneer, April 6 at half-past 1, Court of Bankruptcy, London.—*Joseph Cleary*, Church-road, De Beauvoir-square, Middlesex, builder, April 3 at half-past 11, Court of Bankruptcy, London.—*John Brown*, Liverpool, joiner, April 6 at 11, District Court of Bankruptcy, Liverpool.—*James Sykes*, Doncaster, Yorkshire, hosier, April 9 at 11, District Court of Bankruptcy, Leeds.—*T. Nash* the younger, Stourbridge, Worcestershire, builder, April 4 at 12, District Court of Bankruptcy, Birmingham.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before April 3.

*Charles Barber*, Denham Springs, Brindle, near Chorley, Lancashire, calico printer.—*W. Senior*, Sheffield, Yorkshire, hoier.—*James Brooke*, Gooderstone, Norfolk, miller.—*Chas. Dames Wilson*, Saville-place, Mile-end, and Globe-wharf, Mile-end, Middlesex, builder.—*Thos. Kinsman Bryan*, Old Swan-pier, Upper Thames-street, London, wharfinger.—*Jas. Rayner*, Rougham, Norfolk, licensed victualler.—*Ed. Wooley* and *Francis Hare*, Bristol, drapers.—*Fred. Dixon*, Long-lane, Bermondsey, Surrey, carrier.

## FIAT ANNULLED.

*H. Pearson Coles*, Wickham-market, Suffolk, innkeeper.

## SCOTCH SEQUESTRATIONS.

*R. Stevenson & Co.*, Glasgow, sewed muslin manufacturers.—*John Robertson*, Glasgow, iron merchant.

## DECLARATIONS OF INSOLVENCY.

*John Alexius Thomas*, High-street, Kingsland, Middlesex, tailor.—*Sam. Wilson Orridge*, East-street, Red Lion-square, out of business.

## INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

*Peter F. A. Campbell*, Gravesend, Kent, out of business, March 16 at 2, Court of Bankruptcy, London.—*J. Garlick*, Mottram in Longendale, Cheshire, licensed victualler, March 20 at 12, District Court of Bankruptcy, Manchester.—*Thos.*

*Appleton*, Manchester, brewer, March 24 at 12, District Court of Bankruptcy, Manchester.—*Jas. Cummings*, South Shields, Durham, commission agent, March 27 at half-past 1, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Thos. Cooke*, Cheltenham, Gloucestershire, baker, March 23 at 11, District Court of Bankruptcy, Bristol.—*John Truebridge*, Charles-street, Westminster, Middlesex, carpenter, March 19 at half-past 11, Court of Bankruptcy, London.—*W. T. Parkinson*, Gloster-street, Park-street, Camden-town, Middlesex, surgeon dentist, March 18 at 11, Court of Bankruptcy, London.—*W. B. Collins*, White Lion-street, Clerkenwell, Middlesex, out of business, March 18 at 11, Court of Bankruptcy, London.—*Chas. S. Sweeney*, North-street, Westminster, Middlesex, doctor of medicine, March 25 at 11, Court of Bankruptcy, London.—*James Easton*, Somersham, Huntingdonshire, publican, March 26 at 11, Court of Bankruptcy, London.—*R. Shickle*, Norwich, butcher, March 26 at 11, Court of Bankruptcy, London.—*Charles Williams*, Clark's-place, Broad-street, St. Giles in the Fields, Middlesex, French polisher, March 26 at 11, Court of Bankruptcy, London.—*Phoebe Esther Cooper*, Sutton Macclesfield, Cheshire, draper, March 18 at 12, District Court of Bankruptcy, Manchester.—*Thomas Henley*, Bath, Somersetshire, painter, March 30 at 11, District Court of Bankruptcy, Bristol.—*Richard Wilde*, Melverley, Shropshire, innkeeper, March 28 at half-past 10, District Court of Bankruptcy, Birmingham.

The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Saturday, March 28, at 9.

*Thos. Henly*, Jamaica-street, Commercial-road, Middlesex, master mariner.—*Wm. Rutter*, Albert-street, Mornington-crescent, Middlesex, surgeon.—*Joseph Shilton*, Arbour-street East, Commercial-road East, Middlesex, out of business.—*Thos. Savage*, Thomas-st., Dock-head, Bermondsey, Surrey, lighterman.—*Das. James*, Bath-cottage, Addington-sq., Camberwell, Surrey, commission agent.—*Geo. Woods*, Mount-pl., Whitechapel-road, Middlesex, tailor.—*Jas. Hooper*, Warwick-street, Pimlico, Middlesex, carpenter.—*Adolphus F. Beech*, Rotherhithe-st., Rotherhithe, Surrey, clerk to a ship breaker.—*Chas. Hen. Russell*, Percy-street, Bedford-sq., Middlesex, attorney's clerk.—*Chas. F. A. Schmidt*, Bedford-pl., Southwark-bridge-road, Surrey, wine merchant.

March 30, at the same hour and place.

*John Oldham*, Stamford-st., Blackfriars-road, Surrey, engraver.—*Morris Padden*, Albany-road, Camberwell, Surrey, clerk in the General Post-office.—*Geo. Thos. Elgie*, Astey's-row, Islington, Middlesex, attorney at law.—*Robert Black*, Queen-st., New-cut, Lambeth, Surrey, baker.—*Hen. Geo. C. Geary*, Wellington-pl., Friar-street, Blackfriars-road, Surrey, out of business.—*Jas. W. Gardiner*, Harley-st., Cavendish-square, and Northumberland-street, Strand, Middlesex, bill broker.

## Adjourned.

*Thos. Peachey*, Rathbone-place, St. Mary-le-bone, Middlesex, dealing in drapery goods.

Court-house, DORCHESTER, Dorsetshire, March 30, at 10.

*Thos. Samson*, Wootton Fitzpaine, out of business.

Court-house, LEICESTER, (County), March 27, at 10.

*Robt. Sims*, Leicester, victualler,

Court-house, NORTHAMPTON, (County), March 30, at 10.

*Anna Daniel*, widow, Lower Weedon, out of business.—*E. Barlow*, Little Barton, stone mason.

## INSOLVENT DEBTORS' DIVIDEND.

*George Lockyer*, Middlesex, Somersetshire, farmer, Lovibond & Carslake, Bridgwater: 2s. 10d. in the pound.

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No. 480—VOL. X.

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LONDON, MARCH 21, 1846.

If ever there was an unfortunate set of acts of Parliament, it is that by which the session of the 8 & 9 Vict. signalled itself as a law-reforming session. Some of those acts are undoubtedly total failures. No one, for instance, dreams of paying the slightest attention to chapters 119 and 129, with their equivalent columns, and formulæ of impossible application. But the 112th chapter, the act for rendering the assignment of satisfied terms unnecessary, which really is a beneficial act, and is effectively drawn, always allowing for the somewhat crotchety and inconsistent language by which a term is destroyed and yet kept alive,—even that act is subjected to attacks of all kinds, and for all reasons, some of which are reasonable and some not.

We have now before us a paper, in which it is argued, that the Assignment of Terms Act has failed altogether to effect its purpose, and leaves the expense attending titles arising out of the existence of attendant terms just what it was. The difficulty suggested is this: that if A., having purchased land, and having had an outstanding term assigned to a trustee (B.) in the usual manner before the 1st January, 1846, requires to bring an ejectment, and B., the trustee, has died since, making his executor, A. must bring the ejectment in the name of the executor of B., if at all. And then it is said that the purpose of the act will be totally frustrated, because, as to these terms, it will be the duty of every conveyancer, in advising on a title, to insist that the term shall be traced down to the person who would have been actually entitled to the term supposing it still to subsist; and, moreover, that such person shall be producible; otherwise the term will, it is said, be useless for the purpose of protection. Thus, it is argued, parties will be put to the same expense and inconvenience as formerly, because the expense and inconvenience

were occasioned by tracing out the title to the term and finding the holder, the expense of assignment being a mere trifle.

Now, this objection, we confess, appears to us a very unfair one. No one can reasonably complain, that, if he wants the particular protection of an outstanding term, he should take the trouble to procure it. If the owner of land, who took an assignment of a term to a trustee before the 1st January, 1846, thinks the trouble of deducing the title in the term down to the person in whom it is vested too great, he easily avoids that trouble, simply by dispensing with the protection of the term. The act does not force it upon him, but merely offers it to him. It was no part of the intention of the act to give him a title without his shewing a title, or to put him in a better situation than if the act had not passed. All that the act obviously intends, is to abolish attendant terms in future—to prevent their being perpetuated, but, at the same time, to avoid the injustice of depriving a purchaser, who had already got a term assigned to his trustee, of the benefit of it, by putting him in the same position as regards the protection to be derived from his term, as if the act had not passed. If the act had never passed, a purchaser must always have shewn in whom the term was vested, before he could bring ejectment upon it; and so he must now; and where is the hardship, or the failure of justice?

But, more than this, it would, we contend, be grossly unjust to absolve a claimant to the benefit of the term, from the necessity of tracing the title to it from his original trustee; for that would take for granted that no alienation by such original trustee, lawful or unlawful, had taken place between the assignment to him and the 1st January, 1846; and the result might be to enable a person to recover under colour of a term to which he had no title, as it might by possibility be



actually vested in a trustee, in trust for a purchaser for valuable consideration. It is now, of course, or ought to be, the practice, for a purchaser, whenever there is a term attendant upon the inheritance, to inquire of the last apparent assignee whether he has aliened or encumbered. If a purchaser does that, he will acquire priority, we apprehend, against any one not having an actual assignment of the term: but neither that nor anything else can or ought to protect him against the title of an actual assignee of the term having an equal equity; and it would be too much, to expect that the act should destroy the legal rights, quantum valeant, of any claimant to the benefit of a term, in order to save a purchaser the trouble of deducing his title.

#### OBSERVATIONS ON THE 7 & 8 VICT. CAP. 111, PARTICULARLY WITH REFERENCE TO THE 22ND SECTION.

Upon looking at the 22nd section of this statute, two questions immediately suggest themselves. The first is, that which we very slightly noticed in the last Number of *THE JURIST*, whether the statute applies to associations of persons composed of provisional committee-men or directors, and either actual allottees of shares, or persons having bound themselves by their applications for shares; and, secondly, if it does, then to what extent does the act give power substantially to vary the rights of parties, under orders purporting only to regulate forms of proceeding. On the first point, the difficulty arises from the use, in the 22nd section, of the word "joint-stock company." It is only with reference to bodies that are joint-stock companies within the meaning of the act, that the powers conferred by the 22nd section have any existence. The act itself does not give any specific definition of what shall constitute a joint-stock company. It appears to have two distinct objects: the first, to which all the sections except the 22nd apply, is to prescribe certain modes of proceeding for winding up the affairs of such companies as are described in the act, upon their committing such acts as are made by the statute acts of bankruptcy by the company\*. The second, (sect. 22), and this seems to be wholly severed from the first object, is to provide means, with or without winding up the affairs of the company, for compelling the members to contribute towards recouping any one against

\* It may here be observed, that, on the 17th instant, the first order was made under this act, by Mr. Commissioner Fonblanque, for bringing before the Master of the Rolls the winding up of a bankrupt joint-stock company. The order is as follows:—"In the Matter of the Forth Marine Insurance Company, bankrupt.—By virtue of the authority given to this court by an act passed in the seventh and eighth years of the reign of her present Majesty, intitled, 'An Act for facilitating the winding up the Affairs of Joint-stock Companies unable to meet their present Engagements,' this court doth order and direct, that William Cook and Lewis Mackinnon, the creditors' assignees of the estate and effects of the above-named company, bankrupt, do forthwith apply to the high Court of Chancery, by petition, in a summary way, to the Master of the Rolls, praying that all such orders and directions may be given as shall be necessary for the final winding-up and settling the affairs of the said company, and to compel a just contribution from all the members of the said company, towards the full payment of all the debts and liabilities of the said company, and of the costs of winding up and finally settling the affairs of such company."

whom execution shall have been had, upon judgment recovered in an action brought against that one alone.

The constitution of the companies to which the bankruptcy clauses apply are sufficiently described in the first clause.

- I. Commercial or trading companies, incorporated by charter, or by act of Parliament, after the passing of the act.
- II. Companies for commercial or trading purposes subsisting under the 1 Vict. c. 73, or any other act of Parliament.
- III. Commercial or trading companies, or bodies registered either provisionally or completely under the 7 & 8 Vict. c. 110.
- IV. Any existing joint-stock companies comprehended within the definition of a joint-stock company given by the 7 & 8 Vict. c. 110.

These are the four classes of commercial associations to which the bankruptcy clauses of the 7 & 8 Vict. c. 111, apply.

Now, if we look to the interpretation clause of the 7 & 8 Vict. c. 110, we find that it includes in its definition of a joint-stock company "every partnership whereof the capital is divided, or agreed to be divided, into shares, and so as to be transferable, without the express consent of all the co-partners," and "every co-partnership which, at its formation, or by subsequent admission, (except any admission subsequent on devolution or other act in law), shall consist of more than twenty-five members."

The last of these definitions, supposing we are to construe the 22nd section of the 7 & 8 Vict. c. 111, by reference to the first, and thence by reference to the 7 & 8 Vict. c. 110, would undoubtedly include most embryo railway companies, composed of provisional committee-men and persons having taken or being bound to take shares, provided it can be assumed that such associations are *partnerships*. But that is the very point which is at present much doubted, we believe, in the Profession; and most certainly such associations are not partnerships in the general and unlimited legal sense of the word. (*Fox v. Clifton*, 4 M. & P. 676; *Pitchford v. Davis*, 7 Mee. & W. 2).

But, assuming for the present that the 22nd section of the 7 & 8 Vict. c. 111, is a separate enactment, not to be construed by reference to the clauses which relate to bankrupt companies, we have then to inquire, in endeavouring to form an opinion as to what associations the court would hold within the meaning of that section, what is a joint-stock company without reference to the 110th or 111th chapter of the 7 & 8 Vict.; what is, in fact, in common legal acceptance, a joint-stock company. Now, in one sense, no doubt, every common partnership is a joint-stock company, inasmuch as every partnership trades upon the joint stock of the whole partnership. But no one certainly would, in common parlance, describe an ordinary banking or other partnership as a joint-stock company. And if there be any peculiar legal force in the term, it is to be sought in the Bubble Act, (6 Geo. 1), which was passed in reference to the earliest joint-stock companies.

According to that act, and according to general understanding, a joint-stock company is a partnership in which the partners not only contribute each his separate part of the joint stock, but make, or affect to make, their shares transferable without the assent of the other partners, and are, or affect to be, liable only to the extent of their shares. A joint-stock company in this view is a complete partnership, in which each partner contributes his share of the partnership stock, and is, or affects to be, responsible only to that extent.

The hypothesis of the existence of such an association in the present known state of the law, seems to require at least a complete, or organised partner-

ship, acting under a deed of settlement, and possessing all the attributes of a complete legal company, except the possession of the legal rights conferred by charter or by act of Parliament. And can it be said to be clear, that an association of individuals never incorporated by act of Parliament or by charter, not even, perhaps, bound by any deed of settlement, but bound only by those implied ties of partnership which depend on their having acted together and incurred liabilities which, as to third persons, are not merely joint, and are only impliedly joint as between themselves? can it be said that such shapeless, semi-organised associations are "joint-stock companies," in the sense in which the term is used in the 7 & 8 Vict. c. 110, 111, or in any legal sense? We apprehend, not; and, therefore, we conclude, that it is, at least, so doubtful whether the stat. 7 & 8 Vict. c. 111, s. 22, is intended to apply to an association other than completely formed joint-stock companies, that the validity of any general orders purporting to be made in pursuance of that section might be contested, if an attempt was made to apply them to the semi-organised associations composed merely of provisional committee-men and allottees of, or contractors for, shares, whose members are at present occupying so large a share of public attention.

If we are right in this construction of the 22nd section of the 7 & 8 Vict. c. 111, it is unnecessary to consider whether that section is so far connected with the general object of the act, as to be inapplicable except in the case of bankruptcy of a company.

It is quite clear, however, that the mischief attending the state of these half-formed companies is of the very gravest character; and that, if the Court of Chancery has no power of meeting the mischief under the 7 & 8 Vict. c. 111, or otherwise, the interference of the Legislature is imperatively called for; and the next question that we shall here venture to consider, is, what are the principles on which a legislative remedy should be founded? Now, the great difficulty of proceeding, at present, in equity\*, to obtain contribution against persons co-liable with the plaintiff, depends upon the necessity of making all the persons liable parties, whence result all the inconveniences of a suit practically unmanageable, not only on account of the extraordinary expense and delay, but on account of the great chance of continually occurring abatement. This difficulty is severely felt even when there are comparatively few parties, but when the parties are some tens, or, perhaps, some hundreds, a suit becomes utterly unmanageable.

Now, the expense and delay seems principally to result from the form of the ordinary proceeding by bill and answer, and the impracticability of bringing a contribution suit to a successful hearing when there are many parties, from the doctrine of abatement. The remedy, therefore, seems to be of a twofold character, and to consist in the substitution of some more brief and summary mode of presenting the case to the court than by bill and answer; and in the abolition, for this class of cases, of the doctrine, that the proceeding dies because an individual party to it has thought fit to die. What we should suggest, as the outline of a remedial measure, were it cast upon us to do so, would be this:—

That, in any case of an association, either being a complete partnership, or a preliminary association formed and acting in contemplation of a complete partnership, any member thereof against whom proceedings at law shall have been taken or threatened, to recover any debts due from the whole association, or from several members of it, shall be at liberty to present a petition, *ex parte*, to the Court of Chancery, (supported, of course, by *prima facie* evidence), stating the

case, and setting forth, in a schedule, a list of the persons alleged to be liable to contribution. That thereupon the court shall refer it to the Master to inquire into the matters alleged by the petition. That the Master shall have power, and be bound, to issue a peremptory order, on the application of the petitioner, to be personally served upon each of the persons named in the schedule to the petition, returnable within some given (and not very long) time after service, requiring such person to appear and shew cause before the Master, why he should not be compelled to contribute his proportionate part of the demand made, or threatened to be made, on the petitioner. That persons appearing on the order shall be heard by themselves, or their agents or counsel, as they may think fit, upon evidence by affidavit, or *viva voce*, as the Master shall direct; the costs of the appearance of each party to be in the discretion of the Master, subject, of course, to the revision of the court. This would be quite necessary, to prevent the vexatious summoning of persons as parties, without sufficient ground for making against them even a *prima facie* case of liability.

That any person neglecting to appear and shew cause within the given time (and not shewing good reason for enlarging the time for his being permitted to be heard) shall be held to admit his liability to contribute in the proportion found by the Master. That the Master shall make his report, subject to exceptions, like any other report, and that, the report being confirmed, the court shall thereupon have power to make a peremptory order, having the force of a judgment at law, on which execution as upon a judgment may be had against the persons directed by the order to contribute, in cases where judgment has been recovered and execution had against the petitioner. But, if the petition is presented in consequence only of the threat of an action, then, upon the report being confirmed, instead of an order on the contributaries to pay, an order as of course should be obtainable by the petitioner, directing each person found liable to pay the sum that he is so found liable to contribute, into the Accountant-General's, to the credit of the matter of the petition; and then, upon an action being brought against the original petitioner, or any other of the persons found liable, the court should have power, upon motion by the defendant at law, (on notice), to stay the action, and require the plaintiff at law to make out his claim before the Master; and, upon his substantiating his claim, to order him payment and costs primarily out of the fund in court, and if that proved to be insufficient, then payment of the remainder by the defendant at law.

In case it should happen (and, probably, if such a course of proceeding were established, it most frequently would happen) that the creditor, knowing a fund to be in court, should prefer applying for payment directly to the Court of Chancery, he should have power so to do, by petition, to be served on any such person as he might have a right to select as defendant at law; and thereupon the court might decide at once, if the nature of the proof permitted it, or might refer it to the Master; and the creditor, having proved, should be paid his debt and costs out of the fund.

Such appears to us the rough outline of a mode of proceeding which might practically work, so as to protect the members of either complete or incomplete companies, against the disposition of their partners to evade contribution, and, at the same time, not interfere with the rights of the creditor to recover his debt.

**MASTERS IN CHANCERY.**—The Lord Chancellor has appointed the following gentlemen Masters Extraordinary in the high Court of Chancery:—John Knapp, of Worcester; Robert Townsend Hippisley, of Chewton Mendip and Midsomer Norton, Somersetshire.

\* We speak only of proceedings in equity, taking it to be clear that to recover contribution by actions at law is wholly impracticable.

## London Gazette.

TUESDAY, MARCH 17.

## INSOLVENT.

THOMAS BOTHAMS, Nottingham, victualler.

## BANKRUPTS.

THOMAS BLACKMAN, Biddenden, Kent, house and land agent, March 24 at 12, and April 28 at 11, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Piercy & Hawkes, 15, Three Crown-court.—Fiat dated March 11.

GEORGE LANGFORD, Southampton, grocer and brewer, March 27 and April 28 at 12, Court of Bankruptcy, London: Off. Ass. Belcher; Sol. Fitch, 15, New Bridge-street, Blackfriars.—Fiat dated March 9.

FREDERICK DAY, Hemel Hempsted, Hertfordshire, money scrivener, March 24 at 12, and April 30 at 1, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Smith & Grover, Hemel Hempsted; Grover, Bedford-row.—Fiat dated March 9.

THOMAS STREETER, High-street, Camden-town, Middlesex, draper, March 24 at half-past 1, and April 30 at 2, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Reed & Langford, Friday-street, Cheapside.—Fiat dated March 5.

THOMAS COOPER, New Bond-street, Middlesex, umbrella manufacturer, dealer and chapman, April 1 at 1, and April 28 at half-past 2, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Pullen, 14, Basinghall-street, City.—Fiat dated March 13.

CHARLES POILE, Rye, Sussex, merchant, dealer and chapman, March 27 at 1, and April 28 at 2, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Butler, Rye, Sussex; C. W. and C. H. Lovell, South-square, Gray's Inn.—Fiat dated March 11.

WILLIAM EDWARD BURMAN, High-street, Whitechapel, Middlesex, hat and shoe dealer, March 26 at 12, and April 27 at 11, Court of Bankruptcy, London: Off. Ass. Turquand; Sol. Ambrose, Chancery-lane.—Fiat dated March 12.

RICHARD GOODRIDGE, Exeter, baker, confectioner, grocer, and tea and porter dealer, April 1 at 11, and April 23 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. Terrell, Exeter; Fox, Finsbury-circus, London.—Fiat dated March 12.

JOSIAH AUSTEN, Devonport, Devonshire, draper, dealer and chapman, March 27 at 11, District Court of Bankruptcy, Exeter, and April 21 at 11, Guildhall, Plymouth: Off. Ass. Hernaman; Sols. Little, Devonport; Sols & Turner, Aldermanbury, London.—Fiat dated March 7.

THOMAS DUNLOP BROWN, Liverpool, commission merchant and forwarding agent, dealer and chapman, (carrying on business under the firm of Nordblad & Brown), March 27 and April 24 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sols. Jones, Liverpool; Vincent & Co., Temple, London.—Fiat dated March 9.

THOMAS ROBINSON, Swansea, Glamorganshire, grocer, March 27 at 11, and April 28 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sol. Leman, Bristol.—Fiat dated March 3.

EBENEZER HENRY DURDEN, Standish, Gloucestershire, manufacturing chymist and naphtha di-tiller, March 30 at 1, and May 4 at 12, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sols. Paris, Stroud; Brisley, Pancras-lane, London.—Fiat dated March 10.

WILLIAM HABGOOD, Manchester, merchant, dealer and chapman, March 30 and April 21 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Myers & Birkbeck, Manchester; Williamson & Hill, Verulam-buildings, Gray's Inn, London.—Fiat dated March 13.

THOMAS SLEDDON, New Mills, Derbyshire, cotton spinner, and Liverpool, cotton broker, March 27 and April 24 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Sols. Rogerson & Ratcliffe, Liverpool; Gregory & Co., Bedford-row, London.—Fiat dated March 10.

SARAH TRIBE, Liverpool, innkeeper, dealer and chapwoman, April 3 and 24 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Tyrer, Liverpool; Westmacott & Co., Gray's Inn, London.—Fiat dated March 10.

JOHN ROBERTS, Derwen, Denbighshire, farmer, miller, cattle salesman, dealer and chapman, March 31 and May 1 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sols. Jones, Bryn Hyfryd, Mold, Denbighshire; Williamson & Hill, Gray's Inn, London.—Fiat dated March 12.

SAMUEL LITTLER, Liverpool, draper, dealer and chapman, March 27 and April 24 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Sols. Dodge, Liverpool; Reed & Langford, Friday-street, Cheapside, London.—Fiat dated Feb. 26.

## MEETINGS.

*Wm. Dangerfield*, Cheltenham, Gloucestershire, victualler, April 2 at 1, District Court of Bankruptcy, Bristol, ch. ass.—*Chas. Gibson*, South-st., Grosvenor-sq., Middlesex, cheesemonger, April 7 at 11, Court of Bankruptcy, London, and ac.—*Dan. Stanton*, Bristol, grocer, April 6 at 11, District Court of Bankruptcy, Bristol, aud. ac.; April 9 at 11, div.—*John Court*, St. Briavels, Gloucestershire, timber merchant, April 3 at 1, District Court of Bankruptcy, Bristol, aud. ac.—*John Brown*, Liverpool, joiner and cabinet maker, April 7 at half-past 11, District Court of Bankruptcy, Liverpool, aud. ac.—*John Aspinall* and *Jas. Aspinall*, Liverpool, bankers, April 7 at half-past 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Wm. Arrowsmith*, Stoke, Staffordshire, earthenware manufacturer, April 7 at 11, District Court of Bankruptcy, Liverpool, aud. ac.; April 7 at 12, div.—*Wm. Guy Taylor* and *Eliz. Guy*, Liverpool, hosiers, April 7 at 11, District Court of Bankruptcy, Liverpool, aud. ac.; April 9 at 11, div.—*Thomas Robinson*, Eccleston, near Prescot, Lancashire, lime burner, April 7 at 12, District Court of Bankruptcy, Liverpool, aud. ac.; April 9 at 12, div.—*Sam. Knight* and *Jas. Knight*, Manchester, calico dealers, April 7 at 12, District Court of Bankruptcy, Manchester, aud. ac.; April 8 at 12, div.—*Robert Briggs*, Ulverstone, Lancashire, cotton spinner, April 8 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*Robert Armstrong*, Newcastle-upon-Tyne, shipwright, April 7 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; April 8 at 11, div.—*Wm. Alex. Brooks*, Newcastle-upon-Tyne, quarrryman, April 7 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; April 8 at 12, fin. div.—*John Law*, Ramsden-wood, near Todmorden, and *Eli Hudson*, Gale, near Littleborough, Lancashire, cotton spinners, April 8 at 12, District Court of Bankruptcy, Manchester, fin. div.; at 1, fin. div. sep. est. *J. Law* and *Eli Hudson*.—*Hugh Panton*, *Thos. Wm. Panton*, *Geo. Forster*, and *John W. Morley*, Sunderland, Durham, iron manufacturers, April 7 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, div.

## CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on the Day of Meeting.*

*Edgar Barnes*, Aldborough, Suffolk, wine merchant, April 7 at 11, Court of Bankruptcy, London.—*Benj. Thompson*, Aldeburgh, Suffolk, innkeeper, April 7 at 11, Court of Bankruptcy, London.—*Richard Paris*, Ragland, Monmouthshire, innkeeper, April 7 at 11, District Court of Bankruptcy, Bristol.—*Charles Moyle*, Whitechurch, Shropshire, linen draper, April 8 at 12, District Court of Bankruptcy, Manchester.—*Geo. H. Openshaw*, Over Darwen, Lancashire, power-loom cloth manufacturer, April 9 at 11, District Court of Bankruptcy, Manchester.—*Rob. J. Kenworthy*, Brinksway, near Stockport, Cheshire, and Manchester, calico printer, April 8 at 1, District Court of Bankruptcy, Manchester.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before April 7.*

*Hen. Rose*, Blackburn, Lancashire, drysalter.—*John Herdman* and *Edw. Herdman* the younger, Congleton, Cheshire, millers.—*John B. Pim*, Sneed's-court, Great Trinity-lane, London, stationer.—*Hen. Woodgate*, Kingston, Great Canford, Dorsetshire, horse dealer.—*Jos. Hamsher*, Vine-place, Tabernacle-square, Hoxton, Middlesex, glove manufacturer.

## SCOTCH SEQUESTRATIONS.

*Peter Orr*, Kilmarnock, skinner.—*Jas. Cowper*, Broomelton, by Larkhall, by Hamilton, farmer.—*Hen. and J. Reid*, Greenock, drysalters.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*J. Banghen*, Stanley-st., Paddington, Middlesex, plumber, March 21 at half-past 12, Court of Bankruptcy, London.—*Thos. Wm. Wellings*, Andrew-street, Seven-dials, Middlesex, boot closer, March 21 at half-past 2, Court of Bankruptcy, London.—*John Boothroyd*, Honley, Aldermbury, Yorkshire, fancy waistcoat manufacturer, March 26 at 11, District Court of Bankruptcy, Leeds.—*Geo. Hulme*, West Derby, Walton-on-the-Hill, near Liverpool, grocer, March 24 at 11, District Court of Bankruptcy, Liverpool.—*Wm. Weeks*, Bath, Somersetshire, out of business, April 2 at 11, District Court of Bankruptcy, Bristol.—*Dennis Jos. Rearden*, Upper John-street, Golden-sq., Middlesex, apprenticeship and farm agent, April 2 at 11, Court of Bankruptcy, London.—*Steph. Carter*, Church-st., Chelsea, Middlesex, out of business, April 2 at 12, Court of Bankruptcy, London.—*Chas. Castle*, Castle-st. East, Newman-st., Middlesex, cabinet maker, April 2 at 12, Court of Bankruptcy, London.—*Fred. Herbert*, Burr-street, Lower East Smithfield, Middlesex, out of business, April 2 at 12, Court of Bankruptcy, London.—*Luke Bendle*, Morris-place, Southwark-bridge-road, Surrey, assistant to a warehouseman, April 2 at 12, Court of Bankruptcy, London.—*Henry Meaton*, Warwick-street, Vauxhall-bridge-road, Westminster, Middlesex, tobacconist, March 21 at 2, Court of Bankruptcy, London.—*Anthony Fagioli*, Thames-street, Rotherhithe, Surrey, veneer sawyer, March 21 at 2, Court of Bankruptcy, London.—*John Henry Ellis*, Godalming, Surrey, out of business, March 21 at half-past 12, Court of Bankruptcy, London.—*John Frost* the younger, Bury St. Edmund's, Suffolk, out of business, March 25 at 11, Court of Bankruptcy, London.—*Eliza Pearse*, St. George's-place, Walworth-road, Surrey, lodging-house keeper, March 26 at 12, Court of Bankruptcy, London.—*Henry Jones*, Canterbury, Kent, stone-mason, March 26 at 12, Court of Bankruptcy, London.—*Jas. Fiach*, Rathbone-place, Oxford-street, Middlesex, copper, March 26 at 12, Court of Bankruptcy, London.—*G. Potter*, Oxford, frock cutter to a clothes salesman, March 27 at 11, Court of Bankruptcy, London.—*Robt. Hutchinson*, Holmes, near Eastenstall, and *James Haworth*, Cloughfold, near Newchurch, Forest of Rossendale, Lancashire, quarrymen, March 26 at 12, District Court of Bankruptcy, Manchester.

*Saturday, March 14.*

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*Wm. Hayter*, Somerset-place, Beviden-street, Hoxton New-town, Middlesex, coach maker, No. 57,955 T.; *Joseph P. Gibbins*, assignee.—*James Bristow*, Wardour-st., Soho, Middlesex, cowkeeper, No. 58,022 T.; *John Low*, assignee.—*John Shaw*, Blackburn, Lancashire, skinner, No. 67,036 C.; *John Manchester* and *John Sellers*, assignees.—*Noah Eough*, Great Malvern, Worcestershire, grocer, No. 67,106 C.; *Francis Loxley*, assignee.—*John Norwood*, Dover, Kent, licensed victualler, No. 67,127 C.; *J. Reynolds* the younger, assignee.—*Stephen Gent*, East Rudham, Norfolk, boot maker, No. 67,168 C.; *Thomas Cousins*, assignee.—*T. B. W. Rowley*, Ulverston, Lancashire, attorney at law, No. 67,190 C.; *P. T. Torkington*, assignee.—*Sampson Vaughan*, Eve-hill, Dudley, Worcestershire, smith, No. 67,223 C.; *Wm. Underhill*, assignee.

*Wednesday, March 11.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*E. G. Wood*, Upper Copenhagen-street, Pentonville, Middlesex, widow: in the Queen's Prison.—*John Seys Price*, Augustus-street, Regent's-park, Middlesex, tailor: in the Debtors Prison for London and Middlesex.—*Henry Bennett*, Liqorpond-street, Holborn, Middlesex, out of business: in the Queen's Prison.—*James Bagley*, Aldermanbury Postern, Fore-street, London, packing-case maker: in the Debtors Prison for London and Middlesex.—*James Rayner*, Bickley-row, Rotherhithe, Surrey, manager at a sawing and planing mills: in the Debtors Prison for London and Middlesex.—*J. A. Meyer*, Park-road, Stockwell, Surrey, merchant's clerk: in the Debtors Prison for London and Middlesex.—*J. D. Jones*,

Golden-lane, Cripplegate, coal and potato dealer: in the Debtors Prison for London and Middlesex.—*Geo. Jos. Ford*, Little Chapple-street, Soho, Middlesex, working jeweller: in the Debtors Prison for London and Middlesex.—*Jabes Aston*, Bath-row, Great Bath-street, Clerkenwell, Middlesex, out of business: in the Debtors Prison for London and Middlesex.

*(On Creditor's Petition).*

*George Bliverson*, Red-cross-square, Cripplegate, London, dog dealer: in the Debtors Prison for London and Middlesex.

*(On their own Petitions).*

*Hen. W. Alger*, Ashton-under-Lyne, Lancashire, veterinary surgeon: in the Gaol of Lancaster.—*Thos. Lloyd*, Liverpool, stone mason: in the Gaol of Lancaster.—*John M. Bunting*, Blackburn, Lancashire, machine maker: in the Gaol of Lancaster.—*Abraham Whittaker*, Salford, Lancashire, licensed victualler: in the Gaol of Lancaster.—*Jos. Walton*, Fazakerley, near Liverpool, coal merchant: in the Gaol of Lancaster.—*John Thomas*, Camberwell, Surrey, out of business: in the Gaol of Winchester.

*Saturday, March 14.*

*(On their own Petitions).*

*Henry Robt. Redwood*, Draycott-terrace, Cadogan-terrace, Upper Sloane-street, Chelsea, Middlesex, shopman to a china dealer: in the Debtors Prison for London and Middlesex.—*Charles B. Walker*, Charles-street, Hampstead-road, Middlesex, assistant to a surgeon: in the Debtors Prison for London and Middlesex.—*Wm. Thos. Beale*, Pennington-street, London Dock-wall, Middlesex, mathematical instrument maker: in the Debtors Prison for London and Middlesex.—*Ezra W. Burrows*, Swinton-street, Gray's-inn-road, Middlesex, civil engineer: in the Debtors Prison for London and Middlesex.—*Rich. Stevens*, Fountain-yard, Broadway, Deptford, Kent, foreman to a carman: in the Queen's Prison.—*Eliz. Mary Cottrell*, Camden-passage, Islington-green, Middlesex, nurse: in the Debtors Prison for London and Middlesex.—*Rich. A. Lewis*, White Lion-street, Liverpool-road, Islington, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Wm. L. Human*, Brecknock-place, Camden-town, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Richard Barrett*, Elizabeth-cottages, Blyth-lane, Hammersmith, Middlesex, commission agent for the sale of wines: in the Debtors Prison for London and Middlesex.—*Henry John Burn*, Somerset-street, Portman-square, Middlesex, out of business: in the Queen's Prison.—*Richard Richardson*, Compton-street, and Northampton-st., Clerkenwell, Middlesex, corn dealer: in the Debtors Prison for London and Middlesex.—*John Hall*, Oxford, carpenter: in Oxford Castle.—*John Bateson*, Kirkburton, near Huddersfield, Yorkshire, joiner: in the Gaol of York.—*Wm. Elias* the younger, Gelly-grove, Mynyddislwyn, Monmouthshire, publican: in the Gaol of Cardiff.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Thursday, April 2, at 9.*

*James Lord*, Great Cambridge-street, Hackney-road, Middlesex, coal dealer.—*Aaron Munday*, Church-street, Deptford, Kent, market gardener.—*John Spaul*, Beer-lane, Lower Thames-street, London, importer of beads.—*Rich. Burton*, St. George's-place, Albany-road, Camberwell, Surrey, out of business.—*Rich. B. Taylor*, Bethnal-green-road, Middlesex, fancy trimming manufacturer.—*Wm. James Potter*, Sussex-street, University-street, Tottenham-court-road, Middlesex, out of business.

*Court-house, SALISBURY, Wiltshire, April 1 at 10.*

*James Welch*, Slaughterford, mill pult manufacturer.—*J. Arnold*, Favant, out of business.

*Court-house, BEDFORD, (County), March 31 at 10.*

*J. S. Marshall*, Yelden, miller.—*Joshua Knight*, Luton, chemist.—*James Viney*, Barton, gentleman.

*Court-house, SOUTHAMPTON, April 2 at 10.*

*Wm. Swift*, Southampton, bricklayer.—*Arthur Hunt*, Southampton, water carrier.

*Court-house, AYLESBURY, Buckinghamshire, April 2 at 10.*

*John Robbins* the younger, Stony Stratford, butcher.

**MEETINGS.**

*John Evans*, Llandysail, Montgomeryshire, farmer, April 6

at 12, Insolvent Debtors Court, Lincoln's-inn-fields, pr. d.—*Abraham Legerton*, Harlow, Essex, grocer, April 4 at 12, George Inn, Harlow, sp. aff.

## FRIDAY, MARCH 20.

## BANKRUPTS.

**JOHN KIRKUP**, Providence Coal-wharf, Rotherhithe, Surrey, coal merchant, March 31 and May 8 at 11, Court of Bankruptcy, London: Off. Ass. Alsager; Sol. Hodgson, Broad-street-buildings.—Fiat dated March 11.

**WILLIAM COLLINS**, Rugby, Warwickshire, tailor, dealer and chapman, March 31 at 1, and May 1 at 12, Court of Bankruptcy, London: Off. Ass. Belcher; Sol. Burbidge, Hatton-garden.—Fiat dated March 9.

**JAMES BRYANT**, Mayfield, Sussex, draper, grocer, dealer and chapman, March 27 at half-past 12, and May 7 at 1, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Soles & Turner, Aldermanbury, London.—Fiat dated March 12.

**ISAAC HARRIS**, Croydon, Surrey, clothier, March 26 and May 4 at half-past 11, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Jacobs, Winchester-buildings, Great Winchester-street.—Fiat dated March 9.

**HENRY WARD**, Widford-mill, near Burford, Oxfordshire and Gloucestershire, and Ludgate-street, London, paper manufacturer, dealer and chapman, March 31 at 2, and May 4 at 11, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Mardon & Co., Newgate-street.—Fiat dated March 17.

**WILLIAM STONE**, Wood-street, London, laceman, dealer and chapman, (carrying on trade under the firm of Stone & Everett), March 28 at 1, and April 24 at 12, Court of Bankruptcy, London: Off. Ass. Green; Sol. Lloyd, Milk-st., Cheapside.—Fiat dated March 18.

**RICHARD ELLISON and JOHN GOODWORTH**, Barnsley, Yorkshire, linen manufacturers, dealers and chapmen, March 31 and April 20 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Mence, Barnsley; Bond, Leeds; Pocock, Bartholomew-cloze, London.—Fiat dated March 6.

**JOSEPH WHALLEY and CHARLES WHALLEY**, Liverpool, seedsmen and nurserymen, March 31 and April 24 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Neal, Liverpool; Hall & Co., Verulam-buildings, Gray's-inn, London.—Fiat dated March 14.

**RICHARD BARNES PRESTON**, Leigh, Gloucestershire, coal dealer, dealer and chapman, April 3 at 12, and May 1 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sols. Newman & Co., Cheltenham.—Fiat dated March 9.

**CORNELIUS BRADY**, Aston nigh Birmingham, Warwickshire, commission agent, dealer and chapman, April 4 and May 2 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Harding, Birmingham; Chantler & Co., Gray's-inn-sq., London.—Fiat dated March 17.

**RICHARD EDWARDS**, Huddersfield, Yorkshire, woollen draper and tailor, dealer and chapman, April 6 and 23 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Robinson, Huddersfield; Bond, Leeds.—Fiat dated March 10.

## MEETINGS.

*Joseph Dix*, Broad-street, Lambeth-walk, Lambeth, Surrey, licensed victualler, March 31 at 1, Court of Bankruptcy, London, pr. d.—*George Martin Hutton*, Ringwood, Hampshire, coach proprietor, April 3 at half-past 1, Court of Bankruptcy, London, ch. ass.—*John Jarvis and James Rowley*, Newton, Manchester, silk manufacturers, April 9 at 12, District Court of Bankruptcy, Manchester, last ex.—*H. Hall*, Smalesmouth, Greystead, Northumberland, cattle dealer, April 3 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—*David Smith*, Kings Swinford, Staffordshire, iron master, April 14 at 11, District Court of Bankruptcy, Bristol, and. ac.; April 16 at 11, div.—*Saml. Woodroffe*, Chepstow, Monmouthshire, wine merchant, April 20 at 11, District Court of Bankruptcy, Bristol, and. ac.; April 23 at 11, div.—*Thos. Rawlings*, Cheltenham, Gloucestershire, auctioneer, April 20 at 1, District Court of Bankruptcy, Bristol, and. ac.—*George Rudman*, Bristol, mason, April 20 at 12, District Court of

Bankruptcy, Bristol, and. ac.—*John Davis*, Bristol, chemist, April 21 at 11, District Court of Bankruptcy, Bristol, and. ac.—*Joseph Vaile*, Cheltenham, Gloucestershire, wine merchant, April 21 at half-past 11, District Court of Bankruptcy, Bristol, and. ac.; April 23 at 12, div.—*Mark Israel Jacobs*, Ashton-under-Lyne, Lancashire, tailor, April 14 at 12, District Court of Bankruptcy, Manchester, and. ac.; April 15 at 12, div.—*Charles James Banister*, Derby, linen draper, April 11 at 1, Court of Bankruptcy, London, fin. div.—*Thos. Todd*, Manchester, dealer in cotton goods, April 14 at 12, District Court of Bankruptcy, Manchester, div.—*Robert Briggs*, Ulverstone, Lancashire, cotton spinner, April 15 at 12, District Court of Bankruptcy, Manchester, div.

## CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*Edward Clayton*, Edgeware-road, Middlesex, licensed victualler, April 11 at 1, Court of Bankruptcy, London.—*David Hutson*, St. Alban's, Hertfordshire, agent, April 11 at 11, Court of Bankruptcy, London.—*Thomas Ellis*, Wisbech St. Peter's, Isle of Ely, Cambridgeshire, boot maker, April 11 at 12, Court of Bankruptcy, London.—*Dan. Wynne*, Colwyn, Carnarvonshire, innkeeper, April 14 at 12, District Court of Bankruptcy, Liverpool.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before April 10.*

*Joseph Mann*, Warwick, grocer.—*Chas. John Blunt*, Great Ormond-street, Queen-sq., Middlesex, civil engineer.—*G. Byford*, Liverpool, grocer.—*J. Howard Rand*, Westminster-bridge-road, Lambeth, Surrey, dealer in glass.—*Henry John Andrews*, Plymouth, Devonshire, apothecary.—*Frederick W. Eugene Barandon*, Philpot-lane, London, merchant.—*Robert Tate*, Regent-street, Middlesex, silversmith.

## SCOTCH SEQUESTRATIONS.

*Thomas Fairbairn*, banker, Edinburgh.—*Wm. Davison*, smith, Glasgow.—*Sharp & Thomsons*, calico printers, Meadowside, near Partick, Lanarkshire.—*John Crombie*, baker, Glasgow.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Fred. Savery*, Hillingdon, Middlesex, baker, March 25 at 12, Court of Bankruptcy, London.—*W. Smith*, Great Crown-court, Wardour-street, Soho, Middlesex, gun maker, March 25 at 12, Court of Bankruptcy, London.—*Edward Shepard*, Litchfield-street, Soho, Middlesex, out of business, March 25 at 11, Court of Bankruptcy, London.—*J. Lowe*, Charlotte-st., Portland-place, Upper Mary-le-bone-st., Middlesex, cook, March 25 at 1, Court of Bankruptcy, London.—*A. Hutson*, Rochester, Kent, bargeman, March 25 at 11, Court of Bankruptcy, London.—*Benjamin Pickett*, Ilfracombe, Devonshire, carrier, April 1 at 1, District Court of Bankruptcy, Exeter.—*J. Randolph Rose*, Newcastle-under-Lyme, Staffordshire, clerk to the stipendiary justice for the Staffordshire Potteries, March 28 at half-past 10, District Court of Bankruptcy, Birmingham.—*Jos. Baker*, Plymouth, Devonshire, perfumer, March 26 at 1, District Court of Bankruptcy, Exeter.—*John Pratt*, Colmington, Devonshire, blacksmith, April 1 at 11, District Court of Bankruptcy, Exeter.—*Richard Bumby*, Eccles, Lancashire, butcher, March 30 at 12, District Court of Bankruptcy, Manchester.—*Richard Davies*, Salford, Lancashire, manager of a cotton factory, April 2 at 12, District Court of Bankruptcy, Manchester.—*W. Kay*, Manchester, retail beer seller, March 30 at 12, District Court of Bankruptcy, Manchester.—*George Maddock*, Liverpool, sail maker, March 27 at 12, District Court of Bankruptcy, Liverpool.—*Thos. Gough*, Portishead, Somersetshire, commercial traveller in woollen cloths, April 9 at 12, District Court of Bankruptcy, Bristol.—*Th. Ridsdale*, Ferry-hill, Durham, publican, April 7 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Th. Savrell*, Bath, Somersetshire, poulticer, April 9 at 11, District Court of Bankruptcy, Bristol.—*J. Vincen*, Bristol, out of business, April 2 at 12, District Court of Bankruptcy, Bristol.—*Wm. Lauderdale*, Wark, Northumberland, cordwainer, March 27 at half-past 1, District Court of Bankruptcy, Newcastle-upon-Tyne.—*James Barber*, Hulme, Manchester, retailer of beer,

March 28 at 12, District Court of Bankruptcy, Manchester.—*Francis Scott*, Halifax, Yorkshire, gaol keeper, March 26 at 11, District Court of Bankruptcy, Leeds.—*Thomas Newsom*, Sheffield, Yorkshire, butcher, April 3 at 11, Cutlers'-hall, Sheffield.—*Geo. Hardie*, Scarborough, Yorkshire, leather cutter, April 2 at 11, District Court of Bankruptcy, Leeds.—*Geo. Cawthra*, Birstal, Yorkshire, painter, April 2 at 11, District Court of Bankruptcy, Leeds.—*Jonathan Barrase*, Brampton Bierlow, Wath-upon-Dearne, Yorkshire, furnace keeper, April 3 at 11, Cutlers'-hall, Sheffield.—*Alex. Ogilvie*, Bath, surgeon, April 2 at 11, District Court of Bankruptcy, Exeter.

Wednesday, March 18.

Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—

(On their own Petitions).

*Charles Leopold Macdonald*, James-place, Regent-street, Lambeth, Surrey, comedian: in the Queen's Prison.—*Edw. N. B. Wilde*, Bramerton-villa, Bramerton, near Norwich, Norfolk, master mariner: in the Queen's Prison.—*William Lamiell*, Swalecliffe, near Canterbury, Kent, carpenter: in the Debtors Prison for London and Middlesex.

(On Creditor's Petition).

The Rev. *Chas. Wetherell*, Eaton-place, Belgrave-square, Middlesex, clerk: in the Queen's Prison.

(On their own Petitions).

*Thos. Tunstate*, Liverpool, cart driver: in the Gaol of Lancaster.—*John Cookson*, Stramongate, Kendal, Westmoreland, labourer: in the Gaol of Appleby.—*Wm. W. Scott*, Chorlton-upon-Medlock, Manchester, accountant: in the Gaol of Lancaster.—*J. Wigfield*, Nether Hoyland, near Barnsley, Yorkshire, nail maker: in York Castle.—*J. Lumley*, Aldbrough, Yorkshire, farm bailiff: in York Castle.—*John Dickinson*, Nether Hoyland, near Barnsley, Yorkshire, labourer: in York Castle.

The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Saturday, April 4, at 9.

*Wm. A. Saunders*, Wellington-terrace, Clapham-rise, Surrey, professor of music.—*Sam. Swan Cobham*, Princes-road, Lambeth, Surrey, clerk to a railway company.—*John Rutherford*, Broadway, Queen-square, Westminster, Middlesex, surveyor.—*Thos. Davis*, North-street, Fitzroy-sq., Middlesex, porter.—*John Newport*, Harrington-street North, Hampstead-road, Middlesex, out of business.—*Sophia Phipps*, Suffolk-street, Cambridge-heath, Hackney, Middlesex, out of business.

April 6, at the same hour and place.

*Wm. Burchett*, Philadelphia-place, Hackney-road, Middlesex, surgeon.—*Jas. Raynes*, Bickley-row, Rotherhithe, Surrey, manager of sawing and planing mills.—*Ed. A. Abraham*, Nichols-square, Hackney-road, Middlesex, commission agent.—*Geo. Gray*, Henry-st., Hampstead-road, Middlesex, furniture broker.—*Wm. Williams*, Snow-hill, London, out of business.—*Jos. Sawtell*, Snow-hill, London, out of business.

Court-house, WINCHESTER, April 3 at 10.

*John Thomas*, Winchester, stationer.—*Wm. Bevis*, Newport, Isle of Wight, cabinet maker.—*R. Buckell* the younger, Newport, Isle of Wight, fellmonger.—*Charles Savage* the younger, Trotton, Portsea, carpenter.

INSOLVENT DEBTORS' DIVIDENDS.

*Isabella Teasdale*, Kirby Stephen, Westmorland, iron-monger: 3s. 3½d. in the pound.—*William Woodward*, Shad Thames, Dockhead, sack collector: 3½d. in the pound.—*Edward Greenhow*, Toxteth-park, near Liverpool, landing waiter in the Customs: 1s. 3d. in the pound.—*H. E. Bridges*, Little Sussex-pl., Hyde-park-gardens, Bayswater-road, Middlesex, foreman to a builder: 2s. 7½d. in the pound.—*John Furbank*, Cambridge, grocer: 2s. 11½d. in the pound.—*Thos. Peacock*, South Shields, Durham, timber merchant: 2s. 2½d. in the pound.—*James Balle*, Watton, Norfolk, shoe maker: 9s. 2½d. in the pound.—*Frank Thos. Gardner*, Stedham, near Midhurst, Sussex, miller: 3s. 2½d. in the pound.

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Printed by WALTER McDOWALL, PRINTER, residing at No. 4, Pemberton Row, Gough Square, in the Parish of St. Bride, in the City of London, at his Printing Office, situate No. 5, Pemberton Row aforesaid; and Published at No. 3, CHANCERY-LANE, in the Parish of St. Dunstan in the West, in the City of London, by HENRY SWEET, LAW BOOKSELLER and PUBLISHER, residing at No. 11, John Street, Bedford Row, in the County of Middlesex. Saturday, March 31, 1846.



# The Jurist

No. 481—VOL. X.

MARCH 28, 1846. Price 1s., with Supplement, 1s. 9d.

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LONDON, MARCH 28, 1846.

A very important case for solicitors has lately been determined by the Master of the Rolls, (*Stanes v. Parker*, not yet reported). The defendant, Charles George Parker, a solicitor, was a trustee of certain property under the will of one William Clachar, and the plaintiffs were the cestuis que trustent. The defendant had done certain law business for the plaintiffs, in reference to the sale of the trust estate, and had delivered to them a bill of costs, and a draft of a release to himself as trustee, duly accounting for the trust property, after deducting the amount of his bill. The draft release was kept by the plaintiffs for a fortnight, and then they executed the deed. They afterwards filed their bill, in effect to set aside the release, and to have their shares of the testator's estate paid to them, without allowing the defendant any payments for his professional services in the matter of the trust. The charges were not objected to as such. The only objection was, that the defendant, being a trustee, had no right to charge for services done as solicitor to the trust. Lord Langdale dismissed the bill, with costs, observing that, the plaintiffs having had the draft release before them from the 27th October to the 13th November, and having executed it, with full means of information, he saw no grounds for not giving the release its full operation.

The general and well-settled rule undoubtedly is, that, if a solicitor, being a trustee, thinks fit to transact professional business in relation to the trust, he is not entitled to any remuneration for his services\*. The rule is, however, merely that he cannot, in the absence of express agreement, insist upon payment; not that it is impossible for him to put himself in a position to be

entitled to payment, or that in no case, even in the absence of express agreement, can a valid payment be made to him.

If, by express contract with the intended cestuis que trustent, being sui juris, before accepting the trust, and without any fraud or undue pressure, a solicitor stipulates that he shall be paid for professional services, it seems that such a contract would be good. In *Moore v. Frowd*, (3 My. & C. 45), which turned upon whether the language of a trust deed authorised the payment to a trustee, being a solicitor, of his professional charges, Lord Cottenham said, "The first question is, whether the deed of trust disposes of this question, because the parties may, by contract, make a rule for themselves, and agree that a trustee, being a solicitor, shall have some benefit beyond that which, without such contract, the law would have allowed; but, in such a case, the agreement must be distinct, and in its terms explain to the client the effect of the arrangement; and the more particularly, when the solicitor for the client, becoming himself a trustee, has an interest, personal to himself, adverse to that of the client. It is not easy, in such a case, to conceive how, consistently with the established rules respecting contracts between solicitors and their clients, a solicitor could maintain such a contract, made with his client, for his own benefit, the client having no other professional adviser, and in the absence of all evidence, and of any probability, of the client (a woman, too) having been aware of her rights, or of the rule of law, or of the effect of the contract; but the necessity for following up these considerations does not arise in this case, unless the deed contains a distinct agreement for this purpose."

The qualifications, with which Lord Cottenham has guarded even the doctrine, that, by agreement antecedent to the acceptance of the trust, a solicitor may stipulate that he shall be paid for professional services,

\* *New v. Jones*, 9 Jarman's Prec., 3rd ed., 731; and *Beisbigge v. Bide*, 9 Jur. 765.

render it a contract, the enforcing of which is by no means to be reckoned upon as free from difficulty; and it is obvious, that, in acting upon such contracts, much must be trusted by either party to the good faith of the other.

Whether a solicitor, who has accepted a trust without any stipulation antecedent to and as a condition of his acceptance, can by subsequent stipulation put himself in a position to be enabled to recover payment of his charges for professional business done in the matter of the trust, is a question of much more difficulty. We are not aware of any authority expressly deciding the point; and, upon principle, it should seem that such a contract ought not to be made. Because, firstly, in acting for the trust estate, the trustee is, technically speaking, acting for himself—employing himself. His contract, therefore, with the *cestuis que trustent* is technically a nullity. For, as he is the owner of the trust estate, he alone has authority to employ a solicitor in the trust business; and a contract with the *cestuis que trustent* that he shall employ himself is a contract without a consideration. They have no power to prevent his employing whom he may think fit; no authority to select any solicitor; and nothing, therefore, to contract about. Secondly, in regard to the policy of the matter; the mischief which the policy of the law apprehends from a trustee being allowed, in the absence of contract, to charge for business done by himself, would be equally to be apprehended if a trustee might contract with his *cestuis que trustent* to be paid for his services. Because, the relation of trustee gives him an advantage in dealing with the *cestui que trust*, which would make it necessary in every case to inquire whether the acquiescence of the *cestui que trust* in the contract, was not the result of undue pressure or influence.

It is, however, quite another thing to say, that, if the *cestui que trust*, not being liable to pay his trustee for his professional services, thinks fit to do so, after due time and opportunity for exercising his judgment, such a payment shall be at all, or after any lapse of time, revocable. The policy of such a rule as that might be very questionable, as many cases may occur in which the services of a particular person as trustee are desired, specifically because it may be the interest or the choice of the *cestui que trust*, that his trustee and solicitor should be one and the same person. And, if the solicitor is dependant for his payment upon the good faith of his client, it is impossible to say that the disadvantage of that position, is not fully a counter-balance for any advantage or influence which his position as trustee may give him.

Lord Langdale's judgment in *Stanes v. Parker* seems, however, to settle the question to this extent: that, if *cestuis que trustent*, having had before them for a reasonable time their trustee's bill of costs, and the instrument by which he proposes that they should release him from the trusts, think fit to pay that bill, and, by their own deliberate and solemn deed, to ratify the payment, they shall not afterwards re-open the transaction merely on the ground of the solicitor having been also trustee. We have not been informed whether it appeared in *Stanes v. Parker* that the defendant had distinctly apprised the plaintiffs of their right to refuse

payment of his bill, or whether their knowledge of their right was presumed. We conceive, however, that, in acting upon the authority of *Stanes v. Parker*, it will always be a prudent as well as a proper course for the trustee, specifically to apprise the *cestuis que trustent* of their legal right to refuse payment.

## THE LIABILITIES OF ALLOTTEES OF RAILWAY SCRIP.

It has been well observed, in a leading daily journal, that the subject of the liability of allottees to an action at law, for the amount of their deposits, is the most interesting, with the exception of the legality of the sale of scrip, of all the numerous questions connected with railways. In considering a question of this sort, arising under circumstances, which, as a system, are absolutely the creation of the present day, it is material to look at the morality and justice of the case; because the law is not settled, and because it may well be anticipated, that, in deciding what is the law, regard will be had to those implied intentions of parties, to which one of the keys is the obvious justice or injustice of particular implied intentions.

The only actual decision at law which bears materially upon the question whether allottees of shares in railway companies, resting only in project, are liable to pay their deposits towards defraying the preliminary expenses, is *Noctels v. Crosby*, (3 B. & C. 822), decided long before the great railway company mania. In that case, the doctrine laid down is well represented in the language of Bayley, J.: "In all projects some expense must be incurred before many members join the concern. Upon whom should that fall? Undoubtedly, if the scheme proves abortive, it should fall upon the original projectors, and not upon those who advance their money upon the faith of its going on." And Littleale, J., said, "If persons set a scheme on foot and assume to be directors or managers, all the expenses incurred before the scheme is in actual operation must, in the first instance, be borne by them. When it is in operation, the expenses and charges of management should be borne by the concern, and then it may be fair that the preliminary expenses should be paid in the same way, for then the subscribers have the benefit of them. With respect to the supposed partnership, it is plain that there could be none, until the money was laid out in the execution of the proposed scheme."

If that case purported to have been decided upon purely legal reasoning, or if it had been followed by others, it would be, perhaps, useless to criticise it; but, as the principal ground of its reasoning is the presumption of a fact, from the existence of which an intention is inferred, and as it has not been followed by any other cases, it may not be improper or useless, in a legal point of view, to consider whether there is, in general, any good ground for presuming the fact, from which the intention of allottees is to be inferred, to be such as it was presumed to be in *Noctels v. Crosby*. Upon whom say the court, in that case, should the loss fall? Undoubtedly, if the scheme proves abortive, it should fall upon the original projectors, and not upon those who advance their money upon the faith of its going on. Now, this is precisely the assumption, the truth of which may, at this date at any rate, be questioned. Do persons asking for, and accepting, an allotment of shares, do so upon the faith of the scheme certainly going on? Let us, for a moment, consider what is the whole tenour of a railway company prospectus, and of the letter of application for shares. The prospectus, in its language, invariably and unmistakeably conveys the idea of a mere project being on foot; and it would re-

quire a person to be most singularly unacquainted with the nature of a railway project, in order to conclude, that, because it is projected, it must necessarily attain maturity. The application for shares also, when in the usual form, shows, upon the face of it, that the applicant knows he is proposing to take shares in something that is still incomplete, and may or may not go on to maturity. Many prospectuses, in terms, state, that the deposits will be required for the preliminary expenses; and, whether they do or do not, can any man say, when he subscribes to a mere *undertaking*, which, he knows, cannot pass through any preliminary stage without expense, and which, he must know, may fail to attain maturity, quite independently of any notion of the active promoters; can any man in his senses, subscribing under such circumstances, be heard to say that he did not advance, or contract to advance, his deposits, with a full knowledge, or with the full means of knowledge, that the payment of them could not ensure the completion of the project? Can he really say, in the language of *Nockels v. Crosby*, that he advanced his money upon the faith of the project going on? There is, clearly, we contend, no ground for imputing to a subscriber any such belief; and, therefore, it cannot be presumed to be the intention of the parties to such a contract, that, if the undertaking fails to proceed, the active promoters alone shall bear all the preliminary expenses. Besides, what is meant by the persons "who set a scheme afoot," or the "original projectors" of a scheme? Are not all the persons who join in carrying it forward, between the periods of its birth and of its attaining maturity, equally the *original projectors*? If the allottees are not, why are all the committee-men or directors to be so considered, without reference to their having been, de facto, the original proposers and projectors of the scheme, or having joined it after its original concoction? When does a projected company begin, and when does it cease to be a mere project? If it has ceased to be a project before the final incorporation of the company, then *onus ratio*, according to *Nockels v. Crosby*, as to the non-liability of mere allottees; for their non-liability is put, in that case, on the ground that the objects of the company are but a project, an inchoate scheme; but, if it is merely a project, then, what is there in allottees to distinguish them from directors, so far as regards their character of *projectors* of the company? It should also be observed, in reference to the application of *Nockels v. Crosby* to cases of projected railway companies, that there were peculiar circumstances in that case. The principal business of the intended partnership was the laying out of and dividing the money subscribed, in a particular way, (on the principles of a *tontine*). The express contract was, that the money subscribed should be paid to trustees, and by them invested; the interest to be divided between the surviving shareholders at particular periods. It appeared, that, of the subscriptions paid, no part was ever invested at all. "It was the duty," said Bayley, J., "of the defendants, within a reasonable time, to lay out in securities the money received. They never did so, but kept it for eighteen months in their bankers' hands, and appear to have acted throughout as if they thought the undertaking must fail." This is a very different state of circumstances from that of a projected railway company, where money is subscribed professedly not to be invested, but to be paid away for active services, essential to the due bringing of the scheme before Parliament, the tribunal upon whose decision alone, its attaining maturity, or being altogether quashed, depends. It was not necessary in *Nockels v. Crosby* to put the case so high as to say that there was an implied contract that the scheme should succeed; there was an express contract that the money subscribed should be employed in a particular way, and it was not

so employed. The express consideration, therefore, on which the money was paid, failed.

The truth seems to be, with regard to subscribers for shares in such undertakings as projected railway companies, that they are, ex necessitate rei, and unless they wilfully shut their eyes, perfectly well aware that they are advancing their money to forward an undertaking which must, in every stage, be attended with some expense, and the ultimate completion of which is a contingency; and their object is, by the advance of such sums as they undertake to pay by way of deposit, to entitle themselves to the profit which they hope may arise, with the perfect knowledge, that, in the event, it may turn out that no fruit will have arisen from the preliminary expenditure. If this be what, as ordinary men of business we know must be, the substantial understanding of the parties, then, does not a legal inference arise, that it is of the essence of the legal contract between a provisional committee and the allottees of shares, that the latter are intended to be (always supposing no fraud in the case) liable to contribute, by their deposits, to the preliminary expenses of the company, if it shall have failed to reach maturity? The legal inference being no more than that intention which, in the absence of express contract, the law will impute to the parties, upon the ground, that, looking at their relative situations, and the nature of the subject-matter of the contract, it would be contrary to justice and common sense to impute to them any other intentions.

The next material question for consideration on this subject is that of partnership; but this question is principally material, with a view to ascertain whether allottees of shares should be proceeded against at law or in equity. *Fox v. Clifton*, (6 Bing. 776), so continually cited in this sort of inquiry, certainly decides that persons having contracted to take shares in a company intended to be constituted upon terms not yet completed, and to possess a given capital not yet subscribed, are not partners with the promoters; and *Nockels v. Crosby* involves a decision to the same effect. It will be observed, however, that in *Fox v. Clifton* the question was not whether there was intended partnership *inter se*, but whether there was implied partnership as to third persons. And the court did not decide what was the relation between the promoters and the subscribers *inter se*. In *Nockels v. Crosby*, the promoters and subscribers were certainly held not even partners *inter se*. But in that case there was no partnership business contemplated, except the laying out of the money and dividing the proceeds of it. And neither in *Fox v. Clifton*, nor in *Nockels v. Crosby*, does the question appear to have been presented to the attention of the court, whether there may not be a present limited partnership as between the promoters of an intended commercial company and the subscribers, in the capital composed of the deposits and the preliminary business for which they are specifically applicable, independently of the future general partnership, in the commercial business intended to constitute the ultimate business of the company.

But this question is, as we have observed already, one affecting the jurisdiction under which relief is to be sought, rather than the right to relief. If it shall be finally determined that the provisional committee-men, or directors of a projected railway company, are not partners in any sense, then the only difficulty remaining in principle, (there may be many of form), as to proceeding against the allottees at law for their deposits, is, that which we have already discussed, viz. whether there is or is not an implied intention in the contract formed by the prospectus, the application, and the allotment, taken together, that the allottees shall contribute their shares of the preliminary expenses. If, on the other hand, it shall be determined that the promoters and allottees are partners, then we conceive that the Court of Chan-

cery would find means consistently with authority, or, if need be, by creating a precedent, to avoid the difficulties interposed by the ordinary rules of pleading, in the way of the attainment of substantial justice.

Allottees, in fine, appear to us to be hung upon the horns of a dilemma. They may choose whether they will not be partners, and be sued at law; or whether they will be partners, and be sued in equity.

### Correspondence.

TO THE EDITOR OF THE JURIST.

THE JURIST of February 28th contains some remarks "On Descent among Coparceners." J. W., their author, names two or three of his contemporaries, whose opinions are contrary to those advocated. He might have added Mr. Shelford to the number.

The principle involved in the question is an important one; yet not only do we look in vain for any decision on the point under 3 & 4 Will. 4, c. 106, but we are no less baffled in attempting to elicit an authoritative reply from the more ancient oracles of law. There may no doubt be cases in which the identical question is raised; we, however, have been unable to find any such; and may fairly presume that the cases ingeniously brought forward by J. W. are the most decisive the books contain. When we come to examine them we think we shall be able to shew that they fail to establish his views.

The new Statute of Inheritance enacts, "that in every case descent shall be traced from the purchaser." (3 & 4 Will. 4, c. 106, s. 2). Let us suppose that F. dies intestate, leaving two daughters, D 1. and D 2.; and that D 1. likewise dies intestate, leaving issue. The issue claim by descent, and the descent must be traced from the purchaser, or, in other words, the subject-matter of inheritance must devolve on the purchaser's heir. Now, D 2. and the issue of D 1. together constitute the *composite* heir of F. We maintain, therefore, that the subject-matter of descent, namely, the moiety held by D 1. till her death, and by that event set in motion, will devolve in equal moieties upon D 2. and the issue of D 1.; in other words, that D 2. will thus become possessed of three-fourths of F.'s estate, while D 1.'s issue will have only one quarter between them.

Under the old law, where seisin, not purchase, constituted the root of descent, we should have had a strictly analogous case had F. left two daughters, D 1. and D 2., his co-heirs, and had one of such coparceners died, leaving issue, before she or her sister had obtained seisin\*.

There are two other cases in which the like difficulty seems to arise, as well under the old as the new law. The first is that of F., tenant in tail general, leaving at his death two or more daughters coparceners, one of whom dies, leaving issue.

The second is that of F., a purchaser in fee simple, devising to X. for life, and leaving at his death two or more daughters, (to whom the reversion expectant on the life tenancy descends), one of whom dies during the life tenancy, leaving issue.

\* We are aware that it has been argued, that, under these circumstances, the descent of the entire estate must be looked upon as remaining open. We believe such a view to be contrary to law; for coparceners have, as between themselves, several freeholds, which we maintain might severally be subjects of descent even before actual seisin; and, in the analogous case of reversioners, we think it equally clear that the coparceners of the reversion would have several estates, which might severally become subjects of descent during the tenancy for life. We are not aware that it has ever been disputed that the shares of such reversioners might be effectually severed by alienation. But it is needless to perplex the subject under discussion by pursuing these collateral questions.

We have stated all these analogous cases, at the risk of being prolix, in the hope that they may tend to illustrate the question in all its bearings. One of these cases concerns the devolution of an estate tail; and, before proceeding further, we would take the opportunity thereby suggested of remarking on the plan pursued by J. W. in his inquiry. We cannot congratulate him on having followed the natural or logical order in first investigating the course of descent of an estate tail, and adopting the results so arrived at as a sort of foundation whereon to support his arguments as to the devolution of estates in fee simple; for, as saith Lord Coke\*, "from this estate in fee simple, estates in tail and all other particular estates are derived; and therefore worthily our author (Littleton) beginneth his first book with 'Tenant in fee simple.'" Such a course would, we submit, have suggested more obvious and satisfactory solutions of the difficulties and anomalies which J. W. has not failed to attack with Quixotic courage, and to explain away with all the ingenuity of his favourite and subtle, but somewhat fanciful, author, Perkins.

Could we once fully satisfy ourselves of the exact course in which, under any given circumstances, a fee simple would have devolved, a fee tail need not, we think, cause much difficulty; and such difficulty would resolve itself simply into this: how was the course of devolution altered by *cutting down* a fee simple by restrictions confining the descent to lineal heirs of the donee, and the reservation to the donor of a reversion consequent upon the possible default of such lineal descendants of the donee? It is perfectly clear, that, except so far as the well-known words of the statute prevented, a fee tail devolved precisely as a fee simple would have done.

Such we believe to be the clue to the true explanation of such an anomaly as tenancy by the curtesy of an estate tail. Previously to the Statute of Westminster 2, the well-established rule of descent had been "*Seisina facit stipitem*;" and, from this reason, we do not doubt it was that seisin was one of the requisites of tenancy by the curtesy. By that statute, seisin, as regards estates in tail, became, in time, utterly inoperative for this purpose. It may, however, have taken time to establish such an interpretation of the statute, as *that, on the death of a tenant in tail, the heir of such person must be passed over, and the heir of the original donee sought for*; and meanwhile it may have been ruled that the husband of such tenant, if the old requisitions had been complied with, should, notwithstanding the statute, be tenant to the curtesy, and this rule may have been too firmly established to admit of alteration before its anomalous nature was thoroughly perceived. It is very unlikely that the framers of the Statute of Westminster 2 ever contemplated abolishing tenancy by the curtesy of estates tail. Add to which, that former usage, and in a feudal age many other causes, would have operated in favour of the claims of the widower against his issue; and thus a blind acquiescence with the former practice, regardless of the principle it had embodied, or a judicial timidity and disinclination to follow the statute to its fair consequences, and abolish tenancy by the curtesy of estates tail, may have rendered such estates exceptional cases, in which such tenancy was still allowed, although the general rule that the issue should claim as heir of the mother could not any longer be complied with: at all events, nothing can be more explicit than the terms in which the highest authorities lay down the rule, nothing more certain than the legal existence of tenancy by the curtesy of estates tail, notwithstanding. We hope our explanation of this anomaly will prove as sa-

\* We have followed J. W. in giving him this title, which was in his day a common ellipse for Lord Chief Justice; but we doubt whether we are not guilty of a misnomer in so doing.

satisfactory as it is natural; and would proceed to suggest, that, at a later period, and when the rule of tracing to the donee was already established as the true interpretation of the statute, we may suppose the question as to *possessio fratris* in estates tail to have arisen, and a decision to have been come to consistent with the newly admitted principle of devolution on the heir of the original donee.

J. W. tells us that the Tenures of Littleton, as explained by Lord Coke's Commentary, supply us with an authoritative solution of our question as to estates tail. Littleton says, "Also, if lands or tenements be given to a man in tail, who hath as much land in fee simple, and hath issue two daughters and die, and his two daughters make partition between them, so as the land in fee simple is allotted to the younger daughter, in allowance for the lands and tenements in tail allotted to the elder daughter, or, if, after such partition made, the younger daughter alieneth her land in fee simple to another in fee, and hath issue a son or daughter and dies, the issue may enter into the lands in tail, and hold and occupy them in purparty with the aunt." (Litt., s. 200). Lord Coke's commentary is as follows: "Yet this partition, by matter subsequent, may become voidable," (as Littleton here puts the case); "the eldest coparcener hath, by the partition and the matter subsequent, barred herself of her right in the fee-simple lands, inasmuch as when the younger sister alieneth the fee-simple lands and dieth, and her issue entereth into half the lands entailed, yet shall not the eldest sister enter into half the lands in fee simple upon the alienor." (Co. Litt. 172. b.)

First, then, as to Littleton's authority. The question propounded by Littleton is merely, whether such partition allotting the land in tail to one coparcener and the land in fee to the other, who afterwards aliens the fee-simple land, would or would not be binding on the issue of the latter. He decides that such partition would not be binding, but that the issue might enter into the land in tail, and hold them in *purparty with the aunt*.

It is to be remarked, that the words "hold them in purparty" would be equally correct, whether the issue inherited one quarter or one-half of such lands. Littleton's attention, however, seems to have been entirely directed to the question, whether or no such partition would be binding on the issue; and the secondary question, "What share such issue would inherit," does not seem to have occurred to him. Littleton, then, is found to be no authority for J. W.'s interpretation. It is true that Lord Coke, in his Commentary, writes, "Inasmuch as when the youngest sister alieneth the fee-simple lands and dieth, and her issue entereth into half the lands entailed;" but we must observe, that he, too, is looking entirely to the same question, viz. whether or no the partition is voidable by the issue; and we submit that he used the expression "half" without considering whether, under the rule that the descent must be retraced from the ancestor, the aunt would or would not become entitled to three-fourths of the entailed lands. In fact, that, accurate writer as he is, he used the expression loosely; and, as others of our greatest authorities have at times done, while deciding one point in a case, did not perceive another which might also have been raised. At all events, it is, we maintain, false to every principle of true criticism, to wrest words so used by Lord Coke into a direct authority on this question.

"Yet," says J. W., "this incidental allusion of Lord Coke is as strong, if not stronger than a direct assertion by him of the doctrine; for it seems to shew that a doubt on the subject never entered into his mind." We, too, believe that no doubt on the subject ever entered his mind; but, instead of agreeing to J. W.'s inference therefrom, we reply, "Nay, rather it seems to shew, as the whole of the context does, that no thought on the

subject ever entered his mind, which was wholly occupied in considering a different point." J. W.'s authority from the Year Books is of little more weight. The question there was not, any more than in Littleton, what share such issue would take in the lands entailed; and Lord Coke writes of this passage in the Year Books, "There is but the opinion of Newton obiter, by the way," and repeats that it is contrary to law. We argue that an obiter dictum, containing an error on a point to which Newton's attention was directly called by Yelverton's argument, can scarcely be relied on as an authority for a second point, to which there is no such reason to suppose his attention was directed. (Year Book, 20 Hen. 6. 14 a.)

J. W. next quotes Littleton, sect. 255. The subject considered in this section is, how far an unequal partition, made by parceners of fee-simple lands, concludes themselves and their issue. The words "may occupy in common &c., as if no partition had been made" are perfectly general, and would be equally correct, whatever shares might be taken in the lands so occupied in common. We cannot see how this section "tends strongly in (what J. W. terms) the same direction" or even how it tends more in one direction than the other; and we think that he must have been much at a loss for authorities, before he would have resorted to so imaginary a one as this.

We next come to the case of *Doe d. Gregory and Geere v. Whitchelo*, (8 T. R. 211). J. W. considers this a clear authority on the point under discussion. We submit, that it is no such thing. For the case itself, which is lengthy, we must refer to the reports, and will only here remark, that J. W. takes no notice whatsoever of the points really raised. The effect of a fine not confirmed till after the death of the releasee was considered, and also the effect of *possessio fratris* under the circumstances of the case; but it seems never to have occurred to Holroyd, the counsel for the defendant, that the inheritance might have been repeatedly subdivided by various descents, and that his client might, in consequence, have been entitled to more than the one-third, to which the plaintiff's lessors did not deny his title. *The point under our discussion was not raised in this case, and cannot, therefore, be considered settled thereby.*

J. W. proceeds to inquire into the course of descent of an estate in fee simple according to the old law, in the case of F., a purchaser, having died leaving two daughters D 1. and D 2., and D 1. dying before seisin leaving issue,—as we suppose neither daughter to have obtained actual seisin, such issue must claim as heir to F. J. W. admits this, but argues, as he does in the case of a descent tail, that the issue would inherit D 2.'s entire moiety, not one-half of that moiety. He premises, that, if the heir of a person has been discovered for the purpose of a descent tail, it is obvious that the same individual would also be heir of the same person for the purpose of the descent of an estate in fee simple. He then assumes that he has established his view of the devolution of an estate in tail, and treats the devolution of an estate in fee simple as by consequence established also.

We deny that he has proved his position as to the course of a descent tail, and, therefore, need not say more as to his inferences therefrom. We must not, however, pass over in silence the passage which he has extracted from the Year Books (35 Hen. 6. 23) on this subject. In our opinion, it is by far the strongest point of his whole case; but we cannot allow that it is sufficient authority to trust to, when we find that the passage occurs in the course of a general argument as to joint actions, &c., and that the whole force of the illustration is derived from the parties to a joint action being entitled, nevertheless, to a special recovery according to their respective interests, and is quite independent of the particular fractional relations

which those interests happen to bear to one another. It is, in fact, a mere obiter dictum,—an obiter dictum, too, which does not depend for its point on the special proportions supposed; and we think, also, that a little consideration will show that the two cases, consecutively proposed in the passage, are somewhat contradictory the one to the other. The second of the two cases presumes that the surviving coparcener will recover one-half of the ancestor's land, and, it would seem, damages as to that moiety only from the death of the ancestor; and her two nieces the other half between them, and damages as to the moiety from the death of the deceased coparcener; but the former case does not equally uphold J. W.'s position. The case is that of two coparceners of a reversion expectant on a tenancy for life. Tenant for life commits a first act of waste, and then one coparcener dies leaving issue; tenant for life commits a second act of waste. In a joint action, the surviving coparcener and the issue recover the land wasted jointly, but surviving coparcener recovers *treble* damages for the waste done, as well as her partner's life as afterwards, while the issue only recovers for damage done since the mother's decease. It seems to us, that, in both cases, the damages due to deceased coparceners would not be recovered at all, as the representatives of the deceased coparcener are in both cases presumed only to recover damages from the death of their mother; and that the aunt would recover, admitting J. W.'s view, double damages only in both cases, and such is the natural interpretation of the words in the second case. We may, however, be mistaken in this, and do not lay any stress upon such discrepancy, as the cases at best serve as a mere incidental illustration, and are, therefore, of no weight as legal authority.

J. W.'s next argument is founded on another passage in Lord Coke's Commentary, (Co. Litt. 164. a.), which is, in reality, perfectly foreign to the question under discussion. The words are, "If a man hath issue two daughters and is disseised, and the daughters have issue and die, the issue shall join in a writ, because one right descends from the ancestor, and it maketh no difference whether the common ancestor, being out of possession, died before the daughters or after, for that in both cases they must make themselves heirs to the grandfather, which was last seized." And the clear and obvious meaning of the passage is simply that it makes no difference *as to the form of action*,—not that it makes no difference as to the interests of the daughters,—whether the common ancestor, being out of possession, died before the daughters or after. We cannot but think this argument of J. W. is forced,—we might add, forceless.

"It should be remembered," writes J. W., "that the rule of representation for which we are contending is the rule suggested by natural justice," &c. In this and the following remarks, it seems to us that the writer entirely misapprehends the true force and scope of the *jus representationis*. The rule, no doubt, is, "that the lineal descendants in infinitum of any person deceased shall represent their ancestor, that is, shall stand in the same place as the person himself would have done had he been living." The words have no such qualifications as "quoad his entire share," which J. W. elsewhere introduces; and the rule has nothing to do with any special question like the present, but is of general application, and must, in all cases where land devolves, guide us in distributing the inheritance among the representatives of the root of descent. It teaches us, in fact, that such an inheritance, in cases where it is partible, must devolve from some root per stirpes, and not per capita. There is nothing in the terms in which the rule is expressed to say that an estate, the descent of which from the root is broken by the death of the lineal descendant, and which must, therefore, confessedly, be *retraced* from such root, shall

be guided by a different *jus representationis* to that which would prevail as to an estate, which might, by any other circumstances, be cast upon, and traced from such root.

Nor, in a critical point of view, will the words bear J. W.'s interpretation. In order to do so, they should have been "had he never died," or "had he continued to live." "In what case," proceeds J. W., "would the deceased daughter have stood had she been living? Would she have been heir to one-fourth only, or would she not rather have been heir to the entire one-half? Clearly to the entire one-half, for, had she been living, no descent of her moiety would have taken place," and we add, no tenancy by the curtesy either. In fact, the rule would have virtually amounted to this: that, if F. died leaving heritable issue, the immediate descent of F.'s estate should be exempted from the general rules of descent, and regarded as a survivorship in such issue.

We would propose the following case for J. W.'s consideration. Let us suppose F., tenant of an estate in gavelkind, to have two sons, S 1. and S 2.; and let us suppose S 1. to become civilly dead by profession, leaving issue; let us now suppose F. to die, it is clear that the estate devolves in equal moieties to S 2. and the issue of S 1.; let us next suppose S 1., by the occurrence of the Reformation, or in any other way, to become civilly resurrected; and, lastly, let us suppose the issue of S 1. to become extinct, under these circumstances, one moiety of F.'s estate must be retraced from him as the root of descent. Will J. W. argue that such moiety will be cast entire, *jure representationis*, on S 1., to the exclusion of S 2.

From his remarks at the top of p. 75, J. W. does not seem to have perceived that the difficulty under discussion might readily have occurred without either sale of a reversion or entowment, for instance, by F. devising to X. for life, and then dying leaving daughter, one or more of whom might die during the life tenancy severally leaving issue.

We have, we allow, been unable to bring cases exactly in point, or decisive authorities, for our view of the ancient law of descent. We think, however, that we have shown that J. W. has been unable to bring forward a single decision in his favour; that the cases he refers to contain little more than mere obiter dicta on the subject; that the authorities he quotes do not bear him out in his views; that his arguments fail in establishing his position; that his view is not within the terms in which the rule as to the descent of a reversion is uniformly laid down, namely, that the descent is to the heir of the person last seized; and that he is, accordingly, driven to *qualify these terms by the addition of such expressions as "quoad &c."*

Even had we allowed that he was correct as to the course of descent under the old law, such an admission (putting the new statute out of the question) would only amount to this: that the rule, as generally stated, being contrary to the cases and authorities, could not be considered law; but, in order to make it law, would require some such modification as the "quoad &c." suggested by him. The statute, however, entirely changes the effect of such an admission; for it contains no "quoad &c.," is express in its enactments, and, therefore, seems to us decisive on the question under discussion.

It seems to us, however, that this 2nd section may, by making purchase instead of seisin necessary to constitute a "root of descent," work a mischief more general and important than the one we have been discussing, although, to the best of our knowledge, it has never before been noticed as one of the possible results of the new law of descent.

What, we ask, under the new law, are the requisites necessary to make a tenancy by the curtesy? Hitherto the requisites have always been held to be four: mar-



age, actual seisin of the wife, issue, and death of the wife. And herein it is to be remarked, that seisin was a requisite, because it was by virtue thereof that the wife became a root of descent; without it, therefore, her issue could never inherit her estate as *her* heir, but was forced to try back, and make himself heir to the person last seised. Preston (*Estate*, 513) writes, "It is to the estate of the wife, and not to the land of which she is seised, that the issue must be inheritable." And again, (515), "And the title of the issue must be as *heir of the wife*; for, if they are entitled by purchase, as the first son of the husband or of the wife, or as heir of the husband, their birth will not entitle the husband." Does it not seem necessarily to follow, if they are entitled as heir to the grandfather or any more remote ancestor, their birth will, for like reasons, fail to entitle the husband? So, too, writes Coke, (p. 296), "And, therefore, where Littleton saith, issue by his wife, male or female, it is to be understood which, by possibility, may inherit as *heir to her mother* of such estate."

It is clear, therefore, that, as far as the rationale of this question goes, seisin has become not only unnecessary, but an absolute nullity. It has not, however, been simply annulled as a requisite to constitute a root of descent; for a new requisite, namely, purchase, has been substituted. Would it not, therefore, seem, that, under the new law, purchase must be substituted for seisin, as a fourth requisite to constitute a tenancy by the curtesy? If not, we shall see the anomaly of a widower claiming by the curtesy an estate, to which his deceased wife's issue cannot possibly inherit, as his deceased wife's heir, and with respect to which both the widower and the issue stand in precisely the same position as they would have done under the old law, had the wife neglected to obtain actual seisin.

We may also imagine the additional anomaly of the widower in this case holding, as tenant by the curtesy during his life, the whole estate of which his wife was seised, and the issue on his death succeeding, as *heir to the last purchaser*, to an inconsiderable portion of such estate only; but we are not ignorant that this might have happened, as to estates tail, under (what we argue to have been) the old law. Such a mischief we have termed more important than the one, which J. W. contends does not arise under this section of the act; and we think our position will not be disputed, when it is remembered that it does not only affect all coparceners, as well by common law as special custom, but also all heirs on whom land devolves in fee; and that it is not a question as to the larger or smaller fraction of the inheritance which shall devolve on their issue, but whether the person who, under the old law, was entitled as tenant by the curtesy, is not, by the new, wholly and absolutely deprived of such tenancy.

It can scarcely be necessary to remark, that the possibility of such doubts as those discussed by J. W., and those suggested by ourselves, makes it most desirable that no one on whom land devolves should delay doing some act of purchase to break the descent. "Rules of law," says J. W., in conclusion, "which have their foundation in natural justice, should ever be upheld, notwithstanding they may have become applicable to cases not specifically contemplated at the time of their creation." In this remark we entirely concur, but it must be proved that such rules are really applicable. We must be most careful not to apply them wrongly, and must remember that the most time-honoured maxims of the common law must not control, but must ever be controlled by the positive and express enactments of our statute book. Lord Coke, it is true, fondly dwells on the "great equity," as he terms it, "of the common law," till we find the laws starting boldly personified from his pages, and

themselves affected with a commendable craving for equitable control: "Ipse etenim leges cupiunt ut *jure regantur*." (Co. Litt., *passim*). But such measures require to be scanned with critical and jealous care, and rhythm and reason alike warn us that the word "*representationis*" can find no place therein.

It does not help us that the framers of the statute probably never contemplated the present question, or the effect of illegitimacy, (see Sugd. V. and P. 231, 10th ed.), under the regulations they were enacting. The mischief has arisen, and the law has taken its course in the one case, (*Doe d. Blackburn v. Blackburn*, 1 M. & Rob. 547, Parke, B.), and so it must in the other. We think that it would have been better, notwithstanding the rule of *possessio fratris*, to enact, as the real property commissioners proposed, "that estates should pass to the heirs of the person who last died entitled, although he might not have had seisin." But we must take the law as we find it; and our province is, to consider what the true meaning of the act is—what its very words express. Its framers may not have foreseen possible results, or they may have made use of words which do not express what they intended should be expressed; but we must give them credit nevertheless for a mastery over their instrument—language; and must collect their intentions from their words, not adapt their words to their supposed intentions, as gathered from extraneous sources; we must, in fact, interpret the expressions of the Legislature, and must leave it to the Legislature to amend its own mistakes, if such there be.

Since writing the above remarks, a second article, by J. W., "On the Curtesy of the Husband of a Coparcener," has appeared in *THE JURIST*. We do not understand why he should restrict his remarks to the case of the husband of a coparcener; he might have written generally the husband of an heiress. It is most satisfactory to us to find that J. W. so far agrees with us as to allow that "it seems a fair and proper deduction from the authorities, that, whenever a woman has become entitled to lands by descent, her husband cannot claim his curtesy, because the descent of such lands on her decease is not to be traced from *her*." Such are his own words.

In order to avoid this deduction, J. W. boldly proposes that the authorities "*are erroneous*." When we state that Littleton is the person who lays down the rule in the express terms "*as heir to the wife*;" that the commentary of Lord Coke is as express, and even less capable of being explained away; that Blackstone, Hargrave, and Preston follow on the same side; the reader will scarcely be surprised when he finds us prepared to indulge a sort of legal prejudice, and take our chance with them, rather than with J. W. *Paine's case* likewise seems decisive on this point. (8 Rep. 36, a). We cannot admit that J. W. is successful in explaining away the express words of Littleton. We also submit that it is very unsafe to argue, as he does, from dower to curtesy; for we do not even know that the two tenures originated at the same period, or with the same race, and although it is true there are strong analogies between them, yet there are distinctions quite as strong. We might instance the well-known fact that tenant by the curtesy held immediately of the lord by a sort of continuation of his tenure during his wife's life; whereas a dowager held under the heir, who was liable to the lord for the services to which the land of which she was endowed was subject. Again, actual seisin was re-

\* Although there is a difficulty in the following section, (Litt., sect. 53), from the use of the expression "*as heir to the husband*," yet nothing is clearer, that, in the case therein put by Littleton, in illustration of his meaning, the husband would be the stock of descent.



quired as one of the requisites to constitute a tenant by the curtesy; whereas legal seisin was sufficient for the purpose of dower. And here we would remark, that J. W. lays great stress on the explanation which Lord Coke suggests as to this distinction; and does not hesitate, with no stronger arguments than this, to pronounce the highest legal authorities in error. We must, with all due deference, point out to him that Lord Coke is an authority we are bound to follow when he tells us *what the law on any point is*; but that when he tells *why it is so*, or how it became so, he is no longer an authority in the same sense, and we are at liberty to exercise our own discretion how far he is to be relied on.

J. W. also deduces in this second article some further arguments from his views as to the "jus representationis." We must repeat that we think his application of this rule mistaken; must observe, in conclusion, that we doubt whether he is not wrong in flattering himself that he has arrived at the true principles of the old law; and, with more liberality than he manifests towards the superfluous "flourish," as he terms it, of Blackstone, take leave to add, "Floreat J. W., valeatque."

J. C. C.

### London Gazette.

TUESDAY, MARCH 24.

#### BANKRUPTS.

**JAMES GIRO**, Moorgate-street, London, merchant, dealer and chapman, April 6 at half-past 11, and May 5 at 12, Court of Bankruptcy, London: Off. Ass. Alsager; Sol. Peile, Great Winchester-street.—Fiat dated March 21.

**CHARLES HENRY WATERS**, Queen's-row, Pimlico, Middlesex, dealer in paintings and china, dealer and chapman, March 31 at half-past 1, and May 5 at 11, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Barbidge, Hatton-garden.—Fiat dated March 20.

**JOSEPH THOMPSON**, Norwich, grocer and tea dealer, dealer and chapman, April 7 and May 5 at 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Gillman, Norwich; Storey, Gray's-inn-place, London.—Fiat dated March 19.

**WILLIAM MORPHEW**, Sevenoaks, Kent, draper and farmer, dealer and chapman, April 1 at half-past 2, and May 7 at 11, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Reed & Langford, Friday-street, Chapside.—Fiat dated March 17.

**JOHN PERKINS**, North-place, Gray's-inn-lane, Middlesex, jeweller, dealer and chapman, March 28 at 2, and May 16 at 12, Court of Bankruptcy, London: Off. Ass. Follett; Sol. Clark, Finsbury-place.—Fiat dated March 20.

**THOMAS PEIRSON**, Warwick-court, Holborn, Middlesex, and Pickering, Yorkshire, money scrivener, dealer and chapman, April 4 and May 16 at 11, Court of Bankruptcy, London: Off. Ass. Green; Sols. Bell & Co., Bow Church-yard, Chapside.—Fiat dated March 18.

**JOHN BRETT**, Luton, Bedfordshire, sheep salesman, dealer and chapman, April 7 at 2, and May 5 at 1, Court of Bankruptcy, London: Off. Ass. Groom; Sol. Wilkinson, 2, Nicholas-lane, Lombard-street, City.—Fiat dated March 14.

**RICHARD ELLIS**, Richmond-street, Soho, Middlesex, carpenter and undertaker, April 1 and May 5 at 2, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Carlon & Haynes, Palace-chambers, St. James's-street.—Fiat dated March 6.

**ANN ABIGAIL INNELL** and **ALFRED COOKES**, Little Queen-street, Holborn, Middlesex, varnish manufacturers, dealers and chapmen, April 7 at 2, and May 5 at half-past 2, Court of Bankruptcy, London: Off. Ass. Groom; Sol. Stuart, 6, New Inn, Strand.—Fiat dated March 21.

**JAMES RISHTON**, Vale Rock-mill, Hoddlesden, Over Darwen, Lancashire, cotton spinner and manufacturer, dealer and chapman, April 3 and 24 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Worthington & Co., Manchester; Fox, Finsbury-circus, London.—Fiat dated March 21.

**MARTIN CUBITT**, High Holborn, Middlesex, builder, dealer and chapman, April 3 and May 7 at 2, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Messrs. Smith, Southampton-bdgs, Chancery-lane.—Fiat dated March 16.

**GEORGE PRINCE**, Romsey, Hampshire, wine merchant, dealer and chapman, April 1 at half-past 12, and May 6 at 11, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Watson & Co., Falcon-square, London.—Fiat dated March 21.

**WILLIAM BULL**, Leeds, Yorkshire, and Addle-street, London, cloth merchant, (trading under the firm of William Bull & Co.), April 4 and 27 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Kynaston; Sols. Lee, Leeds; Sadlow & Co., Chancery-lane, London.—Fiat dated Feb. 23.

**JAMES RIDING** and **JAMES FIELDING**, Leyland, Lancashire, cotton manufacturers, dealers and chapmen, April 4 at 11, and April 30 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Winder & Co., Bolton; Milne & Co., Temple, London.—Fiat dated March 13.

**JOHN GIBSON**, Manchester, veterinary surgeon, farrier, and smith, dealer and chapman, April 6 and May 11 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Myers & Birkbeck, Manchester; Williamson & Hill, Verulam-buildings, Gray's Inn, London.—Fiat dated March 21.

**JAMES RIDDALL WOOD**, Fallowthorpe, Manchester, varnish maker and manufacturing chemist, April 6 and 29 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Slater & Heelis, Manchester; Milne & Co., Temple, London.—Fiat dated March 18.

**JOHN TAYLOR**, Hereford, grocer, tea dealer, and provision merchant, dealer and chapman, April 3 and May 5 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sol. Greatwood, Birmingham.—Fiat dated March 17.

**MOSES SMITH**, Birmingham, iron founder and publican, April 4 and May 2 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Mottram & Knowles, Birmingham; Smith & Co., Bedford-row, London.—Fiat dated March 20.

**PHILIP CRISPIN**, Bristol, carpenter and builder, April 3 at 1, and May 7 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sol. Hinton, Bristol.—Fiat dated March 18.

**EDWARD WILLIAMS**, Northop, Flintshire, draper, dealer and chapman, April 7 and 24 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Cross, Liverpool; Vincent & Sherwood, Temple.—Fiat dated March 11.

#### MENTINGS.

*Hugh Roberts*, Hafodlas, Carnarvonshire, dealer and chapman, April 7 at 12, District Court of Bankruptcy, Liverpool, ch. ass.—*Wm. Humphreys*, Haymarket, Middlesex, hotel keeper, April 9 at 11, Court of Bankruptcy, London, last ex.—*Thomas Wilkinson*, Quadrant, Regent-street, and Bathurst-street, Sussex-square, Middlesex, ironmonger, April 6 at 2, Court of Bankruptcy, London, last ex.—*Thomas Edwards*, Trewyllan-cottage, Llansainfrid, Montgomeryshire, surgeon, April 3 at 12, District Court of Bankruptcy, Liverpool, last ex.—*John Wright*, Brinscall-hall, within Wheelton, Lancashire, calico printer, April 1 at 12, District Court of Bankruptcy, Manchester, last ex.—*John Clark*, Crescent, Minorities, London, merchant, April 22 at 2, Court of Bankruptcy, London, aud. ac.—*David Marks*, Houndsditch, London, pen manufacturer, April 8 at 12, Court of Bankruptcy, London, aud. ac.—*Lawrence Kennedy*, Rochester-terrace, Stoke Newington, Middlesex, pawnbroker, April 16 at 11, Court of Bankruptcy, London, aud. ac.—*Jos. Henry Nail*, John-st., Tottenham-court-road, Middlesex, builder, April 11 at 11, Court of Bankruptcy, London, aud. ac.—*William Burrows*, Grove-street, Hampstead-road, Middlesex, builder, April 23 at 1, Court of Bankruptcy, London, aud. ac.—*Joseph Johns*, Grosvenor-street West, Pimlico, Middlesex, cook, April 16 at 2, Court of Bankruptcy, London, aud. ac.—*W. Stockbridge*, High-street, Wandsworth, Surrey, tobaccoconist, April 16 at 1, Court of Bankruptcy, London, aud. ac.—*Fred. J. Ablett* and *Wm. H. Ablett*, High Holborn, Middlesex, drapers, April 16 at 12, Court of Bankruptcy, London, aud. ac.—*D. Wynne*, Colwyn, Carnarvonshire, innkeeper, April 17 at 12, District Court of Bankruptcy, Liverpool, aud. ac.—*Edward Brown*, Birmingham, merchant, April 17 at 11, District Court

of Bankruptcy, Birmingham, and. ac.—*George Hartshearn*, Oldswinford, Worcestershire, and Whittington, Kinver, Staffordshire, and *Benedict Neale*, Wall-beath, Kingswinford, Staffordshire, iron manufacturers, April 14 at 11, District Court of Bankruptcy, Birmingham, aud. ac. and fin. div.—*James W. Collyer*, Newgate-street, London, victualler, April 3 at 1, Court of Bankruptcy, London, div.—*Hen. Le Jeune*, St. Alban's, Hertfordshire, maltster, April 16 at 1, Court of Bankruptcy, London, div.—*Thos. B. Golborne* and *Arthur A. Debe*, Liverpool, wine merchants, April 16 at 12, District Court of Bankruptcy, Liverpool, fin. div. sep. est. *Arthur A. Debe*; at 1, and. ac. joint est.; April 17 at 11, div. joint est.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*George Seagrave Neale*, Portsea, Hampshire, innkeeper, April 15 at 11, Court of Bankruptcy, London.—*Henry M. Naylor*, Birmingham, haberdasher, April 18 at 11, District Court of Bankruptcy, Birmingham.—*James Baines*, Manchester, grocer, April 16 at 11, District Court of Bankruptcy, Manchester.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before April 14.*

*John Houghton Jones*, Manchester, spirit merchant.—*B. Parnell*, New-street, Turner-street, Stepney, Middlesex, out of business.—*Charles Bartlett*, Southampton, merchant.—*Alfred Bunnett*, Bridge-house-place, Newington-causeway, Surrey, window blind maker.

#### SCOTCH SEQUESTRATION.

*John M. Alister Houston*, Paisley, commission agent.

#### DECLARATION OF INSOLVENCY.

*Nathaniel James Thomas*, Camden-street, Kensington Gravel-pits, Kensington, Sarrey, painter.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Robert Bullock*, Dover, Kent, tailor, March 30 at half-past 11, Court of Bankruptcy, London.—*Arthur Bridges*, Lambeth-walk, Surrey, cheesemonger, March 30 at 12, Court of Bankruptcy, London.—*Squire Day*, Hitchin, Hertfordshire, grocer, March 30 at half-past 12, Court of Bankruptcy, London.—*Charles Wm. Dexter*, Duke-street, West Smithfield, London, glove maker, March 30 at 11, Court of Bankruptcy, London.—*Robert Barker*, Clarendon-street, Somers'-town, Middlesex, licensed victualler, March 30 at 12, Court of Bankruptcy, London.—*John Hareus*, Chatham, Kent, tailor, March 30 at 11, Court of Bankruptcy, London.—*John Hendry*, Henry's-place, Hoxton Old-town, Middlesex, baker and vat maker, March 30 at half-past 12, Court of Bankruptcy, London.—*George Glover*, Hemel Hempstead, Hertfordshire, plumber, April 3 at half-past 12, Court of Bankruptcy, London.—*James Onion*, Ely, Cambridgeshire, gardener, April 1 at 11, Court of Bankruptcy, London.—*George Edward Sheldon*, Cambridge, stationer, April 8 at 11, Court of Bankruptcy, London.—*James Moon*, Arundel-st., Strand, Middlesex, surveyor, April 3 at 11, Court of Bankruptcy, London.—*E. Edie*, Market-st., Tottenham-court-road, Middlesex, widow, April 8 at 11, Court of Bankruptcy, London.—*Mary Beesley*, Park-place West, Camden-town, Middlesex, servant, April 2 at 12, Court of Bankruptcy, London.—*Jas. Gardner*, Oxford, farrier, April 2 at 11, Court of Bankruptcy, London.—*James Rodwell*, Watford, Hertfordshire, cabinet maker, April 2 at 11, Court of Bankruptcy, London.—*Wm. Donatison*, Thornton-st., Bermondsey, Surrey, engraver, April 1 at 11, Court of Bankruptcy, London.—*John Slater*, Aldermanbury, London, warehouseman, April 1 at 12, Court of Bankruptcy, London.—*Thomas Frenchlin*, Margate, Kent, baker, April 1 at half-past 10, Court of Bankruptcy, London.—*John Parris*, Bedford-st., Brandon-st., Walworth, Surrey, general shopkeeper, April 1 at 11, Court of Bankruptcy, London.—*James Lerte* the elder, Great Yarmouth, Norfolk, house carpenter, April 1 at half-past 10, Court of Bankruptcy, London.—*Maria Therese D'Asmar*, spinster, King-street, Portman-square, St. Mary-le-bone, Middlesex, April 1 at half-past 10, Court of Bankruptcy, London.—*Ch. Clarke*, Paradise-street, Lambeth, Surrey, coal dealer, April 1 at 11,

Court of Bankruptcy, London.—*Jas. Hunt*, Johnson's-court, Fleet-street, London, licensed retailer of beer, April 1 at 11, Court of Bankruptcy, London.—*John Wood*, Ashton-under-Lyne, Lancashire, salesman, April 6 at 12, District Court of Bankruptcy, Manchester.—*Fred. C. Hindley*, Appletongate, Newark-upon-Trent, Nottinghamshire, butcher, April 3 at 11, District Court of Bankruptcy, Birmingham.—*Thomas Jones*, Newtown, Montgomeryshire, butcher, April 8 at 11, District Court of Bankruptcy, Liverpool.—*Slater Dewhurst*, Blackburn, Lancashire, journeyman sawyer, April 7 at 12, District Court of Bankruptcy, Manchester.—*Isaac Barnes*, Manchester, master tailor, April 4 at 12, District Court of Bankruptcy, Manchester.—*Henry Duckworth*, Darn, near Littleborough, Rochdale, Lancashire, woollen carder, April 2 at 12, District Court of Bankruptcy, Manchester.—*Benj. Bensley*, Poolholm, near Monmouth, Monmouthshire, in no business, April 16 at 11, District Court of Bankruptcy, Bristol.—*Benj. Butterworth*, Sutton-in-Ashfield, Nottinghamshire, assistant to a grocer, March 27 at 11, Cutlers'-hall, Sheffield.—*T. Wright*, Pea-croft, Sheffield, Yorkshire, table knife manufacturer, March 27 at 11, Cutlers'-hall, Sheffield.—*Mary Ann Green*, widow, Highfield, Sheffield, Yorkshire, no business, March 27 at 11, Cutlers'-hall, Sheffield.

*Saturday, March 21.*

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*James Woodford*, Rose and Crown-yard, King-street, St. James's, Middlesex, carpenter, No. 58,021 T.; *John Bennett Milner*, assignee.—*Fred. Tillett*, Harleston, Norfolk, cabinet maker, No. 67,181 C.; *Dav. L. Chambers*, assignee.

*Saturday, March 21.*

*Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Wm. Smith*, New Agnes-st., York-road, Lambeth, Surrey, attorney's clerk: in the Debtors Prison for London and Middlesex.—*Rich. Thos. Morton*, Waterman's Arms, Paris-street, Lambeth, Surrey, publican: in the Gaol of Surrey.—*Solomon Seguerra*, Oliver's-terrace East, Bow-road, Middlesex, out of business: in the Queen's Prison.—*Ebenezer Stevens*, Slater-street, Brick-lane, Bethnal-green, Middlesex, out of business: in the Queen's Prison.—*John Wolsey*, Oxford-st., Middlesex, house agent: in the Debtors Prison for London and Middlesex.—*Stephen Charlton*, Strood, Kent, assistant to a corn dealer: in the Gaol of Maidstone.—*Jas. Slack*, Hulme, Manchester, filtering machine maker: in the Gaol of Lancaster.—*Edw. Black*, Harborne, Staffordshire, attorney at law: in the Gaol of Warwick.—*Austin Lawrence*, Rempstone, Nottinghamshire, out of employment: in the Gaol of Nottingham.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Tuesday, April 7, at 9.*

*Hen. Bennett*, Liquorpond-st., Middlesex, out of business.—*Wm. Wheatley*, Great Portland-st., Oxford-st., Middlesex, boot and shoe maker.—*Thos. Smith*, Salisbury-street, Bermondsey, Surrey, ship carver.—*Samuel Sibery* the younger, Shaftesbury-terrace, Pimlico, Middlesex, out of business.—*Jabez Aston*, Bath-row, Great Bath-st., Cold Bath-square, Clerkenwell, Middlesex, out of employ.—*Chas. Snuggs*, Gifford-st., Fleming-st., Kingland-road, Middlesex, auctioneer.—*Henry Rob. Redwood*, Draycott-terrace, Cadogan-terrace, Upper Sloane-street, Chelsea, Middlesex, shopman to a china dealer.—*Wm. L. Sluman*, Brecknock-place, Camden-town, Middlesex, out of business.—*John Adrian Meyer*, Park-road, Stockwell, Surrey, commission agent.

#### INSOLVENT DEBTOR'S DIVIDEND.

*Gordon Uryghart*, Brompton, Middlesex, superintendent of the naval payments in the Office of the Treasurer of the Navy, March 26, Key's, Lower Brook-st., Bond-st.: 5s. 1½d. in the pound, (in addition to 9s. 3d. by former dividends).

#### FRIDAY, MARCH 27.

##### BANKRUPTS.

*JOHN CHARLES BARRATT*, Strand, Middlesex, carver and gilder, and dealer in pictures, April 3 at half-past 12, and May 8 at 12, Court of Bankruptcy, London: *Off. Ass.* Alsager; *Sol. Taylor*, Moorgate-street.—*Fiat* dated March 24.

**DAVID JAMES KINGHORN**, Boston-street, Mary-le-bone, Middlesex, baker, dealer and chapman, April 7 at 2, and May 8 at 1, Court of Bankruptcy, London: Off. Ass. Belcher; Sols. T. and D. Harrison, 5, Walbrook, London.—Fiat dated March 28.

**JONAS TEBBUTT**, Cambridge, auctioneer and land and estate agent, April 3 at 11, and May 8 at 12, Court of Bankruptcy, London: Off. Ass. Belcher; Sol. Wilkin, Furnival's Inn, Holborn.—Fiat dated March 26.

**WILLIAM ROGERS**, *Lowes, Sussex*, draper, dealer and chapman, April 4 at half-past 2, and May 23 at 11, Court of Bankruptcy, London: Off. Ass. Follett; Sols. Sols & Turner, Aldermanbury, City.—Fiat dated March 24.

**ROBERT CLIFTON**, Brandon, Suffolk, brewer, maltster, and merchant, dealer and chapman, April 2 and May 11 at half-past 11, Court of Bankruptcy, London: Off. Ass. Turquand; Sols. Wayman & Co., Bury St. Edmund's; Hensman, Basing-lane.—Fiat dated March 17.

**JOSEPH TIMMINS**, Croyham, near Ludlow, Salop, brick maker, dealer and chapman, April 14 and May 8 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Colmore & Seale, Birmingham.—Fiat dated March 20.

**BENJAMIN MERCER BURBOUGHS**, Liverpool, ironmonger, dealer and chapman, April 7 and May 8 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Casanova; Sols. Tyrer, Liverpool; Chester & Co., Staple Inn, London.—Fiat dated March 16.

**JOHN ARKELL**, Donnington, Stow-on-the-Wold, Gloucestershire, miller, baker, and maltster, April 14 and May 12 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sols. Brookes, Stow-on-the-Wold; Short, Bristol.—Fiat dated March 23.

**THOMAS EDMOND**, Liverpool, merchant, April 16 and 30 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Atkinson & Co., Manchester; Abbott, Charlotte-street, London.—Fiat dated March 5.

**JAMES FEATHERSTONE** and **ROBERT KIRKPATRICK**, Manchester, iron founders, dealers and chapman, April 16 at 11, and May 1 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Barker, Manchester; Fisher & De Jersey, 162, Aldersgate-street, London.—Fiat dated March 21.

**JESSE HALL**, Rochdale, Lancashire, share broker, printer, and stationer, dealer and chapman, April 9 and 30 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Heston, Rochdale; Norris & Co., Bartlett's-buildings, Holborn, London.—Fiat dated March 21.

#### MEETINGS.

*J. Moken and Rich. Simons*, Mincing-lane, London, wine merchants, April 7 at half-past 11, Court of Bankruptcy, London, pr. d.—*W. Blinkhorn*, Little Bolton, Lancashire, manufacturing chymist, April 8 at 12, District Court of Bankruptcy, Manchester, pr. d.—*Andr. Palmer*, Feltwell, Norfolk, druggist, April 9 at half-past 12, Court of Bankruptcy, London, ch. ass.—*T. Watson*, Copthall-buildings, London, merchant, April 9 at 11, Court of Bankruptcy, London, last ex.—*John Luke Boorman*, Gravesend, Kent, silversmith, April 7 at 12, Court of Bankruptcy, London, last ex.—*James Reid*, Newcastle-upon-Tyne, ship broker, April 8 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—*John Carlile*, Little Love-lane, Wood-street, London, commission agent, April 21 at 1, Court of Bankruptcy, London, aud. ac.—*William Lancelot Kelly*, Tewkesbury, Gloucestershire, printer and stationer, April 20 at half-past 12, District Court of Bankruptcy, Bristol, and. ac.; April 22 at 11, div.—*Richard Allerton*, Bootle-cum-Linesacre, Lancashire, wheelwright, April 21 at 11, District Court of Bankruptcy, Liverpool, and. ac.—*Stephen Elliott* and *John Allen*, Wakefield, Yorkshire, corn factors, April 20 at 11, District Court of Bankruptcy, Leeds, and. ac.; April 21 at 11, first and fin. div.—*Thomas Millership*, Moseley New Colliery, near Wolverhampton, Staffordshire, iron master, April 17 at 11, District Court of Bankruptcy, Birmingham, and. ac.; April 18 at 11, div.—*Richard Hulse*, Little Tower-street, London, chemist, April 21 at 11, Court of Bankruptcy, London, div.—*Wm. Ward*, Manchester, auctioneer, April 21 at half-past 12, Court of Bankruptcy, London, div.—*Wm. Bromley*, Gray's-inn-square, Gray's-inn, Middlesex, scrivener, April 21 at 11, Court of Bankruptcy, London, div.—*Wm. Gill*, Leadenhall-

market, London, poulterer, April 21 at 2, Court of Bankruptcy, London, div.—*John Boulton*, Redditch, Turbidge, Worcestershire, needle maker, April 18 at 11, District Court of Bankruptcy, Birmingham, div.—*Edw. Brown*, Birmingham, merchant, April 18 at 11, District Court of Bankruptcy, Birmingham, div.—*Cornelius Stovin*, Birmingham, coach proprietor, April 20 at 11, District Court of Bankruptcy, Birmingham, fin. div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on the Day of Meeting.*

*Bartholomew Cahway*, Tooley-street, Southwark, Surrey, draper, April 18 at 1, Court of Bankruptcy, London.—*Thos. Dean*, Chenies-street, Tottenham-court-road, Middlesex, victualler, April 18 at half-past 1, Court of Bankruptcy, London.—*John Carlile*, Little Love-lane, Wood-street, London, commission agent, April 21 at 1, Court of Bankruptcy, London.—*Currie Williamson*, Great Portland-st., St. Mary-le-bone, Middlesex, wine merchant, April 21 at 11, Court of Bankruptcy, London.—*Rich. Allerton*, Bootle-cum-Linesacre, Lancashire, wheelwright, April 21 at 11, District Court of Bankruptcy, Liverpool.—*Charles Rose*, Leeds, Yorkshire, dyer, April 20 at half-past 1, District Court of Bankruptcy, Leeds.—*John Arnold*, Walsall, Staffordshire, woollen draper, April 22 at 11, District Court of Bankruptcy, Birmingham.—*Thos. Capas*, Bordeley, Aston-juxta-Birmingham, builder, April 24 at 11, District Court of Bankruptcy, Birmingham.—*William Davis*, Strangeways, Cheetham, Manchester, plasterer, April 20 at 12, District Court of Bankruptcy, Manchester.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before April 17.*

*Thos. Adams*, Cheapside, London, calico printer.—*Henry Mugeridge*, St. John-street, Smithfield, Middlesex, wire drawer.—*Thomas Brown*, Connaught-terrace, Edgeware-road, Paddington, Middlesex, boot maker.—*J. Roberts*, Manchester, linen draper.

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#### INSOLVENT DEBTORS.

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*John Poulton*, West-street, Walworth, Surrey, painter, April 2 at 2, Court of Bankruptcy, London.—*Charles Eddy*, Parkstone, Poole, land surveyor, April 2 at 2, Court of Bankruptcy, London.—*James Phineas Davis*, Chiswick, Middlesex, attorney at law, April 2 at 2, Court of Bankruptcy, London.—*Thomas Knowles*, Kidderminster, Worcestershire, butcher, April 18 at 11, District Court of Bankruptcy, Birmingham.—*Joseph Henry Liggins*, Attleborough, Nuneaton, Warwickshire, gentleman, April 14 at 11, District Court of Bankruptcy, Birmingham.—*David Davies*, Llantrisant, Glamorganshire, publican, April 17 at 11, District Court of Bankruptcy, Bristol.—*Charles Oakley*, Cheltenham, Gloucestershire, working jeweller, April 15 at 11, District Court of Bankruptcy, Bristol.—*Robert James*, Walcot, Bath, out of business, April 17 at 11, District Court of Bankruptcy, Bristol.—*Richard Johnson*, Snape, near Bedale, Yorkshire, wool-stapler, March 31 at 11, District Court of Bankruptcy, Leeds.—*Joseph Turner*, Nottingham, framesmith, April 2 at half-past 10, District Court of Bankruptcy, Birmingham.

*Wednesday, March 25.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*  
(On their own Petitions).

*John Barker* the younger, George-street, Deverell-street, New Kent-road, Surrey, agent for the sale of rags: in the Queen's Prison.—*Leonard Albia*, Nelson-square, Peckham New-town, Surrey, commission agent: in the Gaol of Surrey.—*John Frost*, Hill-street, Peckham, Surrey, out of business: in the Debtors Prison for London and Middlesex.—*Donald Mackinnon*, Michael's-place, Brompton, Middlesex, out of business: in the Queen's Prison.—*John Gillett*, Marsham-street, Westminster, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Joakim Preston*,

Gravel-lane, Southwark, Surrey, dealer in cotton goods: in the Debtors Prison for London and Middlesex.—*Wm. Luke*, Brunswick-street, Hackney-road, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Wm. H. Bredshaw*, North Addington-place, Waltham-road, Camberwell, Surrey, clerk in the Bank of England: in the Debtors Prison for London and Middlesex.—*Wm. Brownhill*, Wakefield, Yorkshire, shopman to a silversmith: in York Castle.—*Christopher Isherson*, Newcastle-upon-Tyne, bookkeeper: in the Gaol of Newcastle.—*John Sharp*, Low-hill, near Liverpool, out of business: in the Gaol of Lancaster.—*William Walsley*, Whiston Stocks, near Blackburn, Lancashire, labourer: in the Gaol of Lancaster.—*John Lerkin*, Goodramsgate, Yorkshire, shoemaker: in the Gaol of York.—*Wm. Holt*, Rounda, near Thrapstone, Northamptonshire, farmer: in the Gaol of Northampton.

## MEETING.

*John Osmond Deakin*, Store-street, Bedford-square, clerk, April 14 at 12, Messrs. E. and E. Foster, Cambridge, sp. aff.

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Printed by WALTER M'DOWALL, Printer, residing at No. 4, Pemberton Row, Gough Square, in the Parish of St. Bride, in the City of London, at his Printing Office, streets No. 5, Pemberton Row aforesaid; and Published at No. 3, CHANCERY-LANE, in the Parish of St. Dunstan in the West, in the City of London, by HENRY SWICK, LAW BOOKSELLER and PUBLISHER, residing at No. 11, John Street, Bedford Row, in the County of Middlesex. Saturday, March 24, 1846.

# The Jurist

No. 482—VOL. X.

APRIL 4, 1846.

PRICE 1s.

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LONDON, APRIL 4, 1846.

In the House of Lords, on the 27th ultimo, a bill was read the first time for the Reform of Conveyancing, by extending to mortgages, settlements, sales, exchanges, wills, and farming leases, the blessings of the conveyancing statutes of last year, (8 & 9 Vict. cc. 119, 124); and, by way of meeting the difficulty that has arisen in respect to those statutes, out of the almost unanimous rejection of their benefit by the Profession, it is proposed to go as near as possible towards making the parliamentary forms compulsory, by authorising the taxing Master to disallow a long form, i. e. anything other than the parliamentary form, if he should be clearly of opinion that the shorter form would have sufficed. A grave responsibility, and no little labour of no little difficulty, will thus be thrown upon the taxing Masters, who will be obliged, whenever required so to do, perhaps, to read all the papers constituting the instructions for a draft—certainly to peruse the draft; and then to decide, whether, with the parliamentary form, all that is done by the draft can be as well done, or can at any rate be effectively done. To execute such a duty, would require the taxing Master to be an accomplished conveyancer; and it can scarcely be expected, that the same person, who is, probably, selected for the office of taxing Master for his great experience as a Chancery solicitor, and his minute knowledge of the details of bills of costs for all kinds of business done by a solicitor, shall have also had time and opportunity to qualify himself for determining whether conveyancing counsel, who do nothing every day and all day but prepare difficult drafts, have properly or improperly rejected the proffered aid of the mystic parliamentary columns.

It is a pity that it should always be assumed, as a matter of course, that every professional man who de-

clines to acquiesce in the propriety of any given proposal for shortening conveyances, desires to perpetuate lengthy drafting, and, still more, that such imputed desire should be further imputed to sordid motives.

It is also a pity that legislators should have so decided a preference for doing things by a complicated process, when they might be done by a simple one. What is the ingredient in the legislative mind that leads to this result, it may be difficult to ascertain. Possibly there is a mental pleasure in dictating from within the walls of Parliament, the precise form in which men shall express their ideas. It has a certain aroma of despotism. It is a sort of ideal tyranny, sweet, perhaps, to the imaginations of men, who would, undoubtedly, shrink with horror from the exercise of actual despotism, if they had the power to exercise it, and who happily have not that power. Or possibly it may be that mistrust of the understandings of the vulgar, which is apt to suggest itself to minds long removed above their sphere; a mistrust which leads the minds of legislators, who, if they have ever prepared a draft of a conveyance, have long since been removed from the drudgery of chambers, to be willing to protect against the wanderings of their blindness, men who are still stumbling through the dark passages of daily practice with no wiser guides than a Duval, a Brodie, a Jarman, a Hayes, or similar rash, blundering, inaccurate, and inelegant draftsmen. Whatever is the source, however, of this manifestation of the parliamentary mind, certain it is that there is in that mind a tendency in matters of conveyancing reform, to create a language for the people, and to say, "Thus shalt thou speak, and not otherwise;" and, neglecting the simple means of reform offered by the mere abolition of the existing rules which check the endeavours of conveyancers to combine brevity with clearness, a tendency to attempt to force upon lawyers and laymen alike a compulsory style, which is brief, not

because of its own force it expresses ideas in few words, but because it is to be declared by act of Parliament to mean a great deal more than it says.

The progress of the forms of conveyancing from shortness to inordinate length, and from that, backwards again towards conciseness, (for all conveyancers know that modern drafts are not half so verbose as their predecessors), may be traced and explained in this way. As interests in land became gradually the subject of complicated distribution, new forms of conveyances were *pari passu* invented. From time to time, the effect, not only of the new contrivances, but of the forms by which they were carried into operation, was the subject of litigation, and, at every fresh decision, some little addition to the formula was made to meet the rule laid down by each particular case, till at length the forms of conveyancing, towards the period when Mr. Bradley and Mr. Booth flourished, had arrived at a most unwieldy state of verbosity. Thenceforward they were subjected to revision, and gradually, by the critical emendations of such conveyancers as Mr. Butler, and Mr. Duval, and of the still more modern school led by Mr. Hayes, Mr. Jarman\*, and other gentlemen of eminence, they have reached as concise a form as it seems probable that they will reach, so long as the secondary cause of verbosity, viz. the present ridiculous practice as to remuneration for drafts, is suffered to remain in force.

It is beyond doubt, that gentlemen in both branches of the Profession continually do, at personal sacrifice of emolument, consult the interests of their clients, and consume their own time, in carefully curtailing drafts where the property conveyed is small, not only not being compensated for the extra application of time, but literally receiving a smaller remuneration for their labour, than they would have done had they suffered the drafts to go forth in their original state. And why is this? Because it has always been and is still the practice, that the remuneration of the draftsman, be he solicitor or be he counsel, is to be regulated by the length of his draft. It is not to be expected that honourable men should purposely make drafts long in order to swell their gains; and they do not. But it is too much, on the other hand, to expect, that, when men find settled forms with an established import, which they can safely use, they are to sit down and rack their brains, in order to find ways of saying the same things in fewer words,—the inducement to such exertion being, that they will double their labours and halve their incomes. We say this is too much to expect of ordinary men.

But the remaining obstacle to the application of mind to the correction of verbosity in conveyancing being admitted, the simple remedy seems in its removal, not in the substitution, for present complication, of a new, and, therefore, *pro tanto*, more difficult complication. If Parliament, instead of busying itself to prepare skeleton drafts for all manner of conveyances, (which it never can do, so as to meet the exigencies of business, unless it publishes a sort of

parliamentary "Bythewood"), would only leave men to prepare their own drafts, and give them the needful stimulus for the preparation of short drafts, by enacting, that, upon taxation, the fees and charges for drafts of every kind shall be regulated by reference to the difficulty of the business and the time employed, and not at all by reference to length, we should, in a very reasonable space of time, find conveyances brought down to the utmost conciseness compatible with definiteness and accuracy. We do trust that some members of one or other House will see this matter in its true light, and aim at reform, merely by removing the fetter of a ridiculous practice as to remuneration, instead of by imposing, or attempting to impose, the fetter of unmanageable parliamentary forms.

## Imperial Parliament.

### HOUSE OF LORDS.

Friday, March 27.

Lord Brougham moved the first reading of a bill relating to the conveyance of land. The bill contained formulae which would prove a great comfort to those who were interested in the subject, and perhaps a great discomfort to certain practitioners of the law—but for that he did not care; he looked to the interest of the client, not the solicitor,—to the courts, whose time would be spared, and to the client, whose purse would be saved. It was proposed to extend the provisions of the bill that applied only to the conveyance and sale of lands to mortgages, settlements, sales, and exchanges of all sorts, to wills and farm leases. The expense of conveyances was one of the greatest inconveniences landed proprietors were subjected to. The Committee on the Exclusive Burdens upon Real Property had collected evidence on this subject which was quite frightful. It was proved that the price of land, where the expense of conveyance was little or nothing—he could speak as to France, and there were witnesses who spoke as to Germany and Belgium—was thirty-five and thirty-six years' purchase, while in one country, where the conveyance cost little or nothing, it was as much as forty-eight or fifty years. Here the expense of conveying an acre of land was sometimes as great as that of conveying a large estate; the saving itself would be a great boon to the landholder. There was a reluctance among the Profession to use these forms, because they were not compulsory. He had been asked why they were not made compulsory—it could not be done. If practitioners chose to convey a piece of land by a long, rigmorole, and expensive deed, they could not compel them to use a shorter form. But he had introduced a clause in the present bill which he hoped would have this effect. In taxing costs it authorized the taxing Master to take the circumstances into consideration, and to disallow the long form if he should be clearly of opinion that the shorter and simpler form would have sufficed.

Lord Campbell expressed his concurrence with the measure proposed by the noble and learned Lord, but regretted that he should have cast the reflection he had done on the legal profession.

Lord Brougham by no means intended a reflection on the Profession in general: he had said only, certain practitioners, solicitors, and others were opposed to the measure; he believed that the greater number of intelligent men of the Profession were in favour of it.

Lord Beaumont said, the evidence taken before the Committee upon the Local Burdens on Land proved that the transfer of property was impeded by the present system, and the investment of capital in land lessened.

The bill was read a first time, and is to be read a second time after the Easter holidays.

**MASTERS IN CHANCERY.**—The Lord Chancellor had appointed the following gentlemen Masters Extraordinary in the high Court of Chancery:—Charles Steward, of Ipswich, Suffolk; John Thomas Tweed, of Lincoln.

\* It would, perhaps, be improper to name living conveyancers, were it not that, both these gentlemen, having in various publications, recorded their opinions and their practice, have made their names public property.





## London Gazetteers.

TUESDAY, MARCH 31.

## BANKRUPTS.

- JOHN CHARLES BARRATT**, Strand, Middlesex, carver and gilder, and dealer in pictures, April 3 at half-past 12, and May 8 at 12, Court of Bankruptcy, London: Off. Ass. Alsager; Sol. Taylor, Moorgate-street.—Fiat dated March 24.
- THOMAS JOHN MOYSEY BARTLETT**, Pall-mall East, Middlesex, bill broker, April 7 at half-past 11, and May 12 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Pocock & Marston, 10, Norfolk-street, Strand.—Fiat dated March 23.
- WILLIAM HOWE**, Boxford, Suffolk, bricklayer, carpenter and builder, dealer and chapman, April 7 at half-past 10, and May 12 at 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Salmon, Bury St. Edmunds; Galaworthy & Nichols, 9, Cook's-court, Carey-street.—Fiat dated March 27.
- CHARLES COUCHMAN**, Curles-cottage, Hammersmith, Middlesex, brick maker, April 6 at 12, and May 9 at 11, Court of Bankruptcy, London: Off. Ass. Follett; Sol. Jones, 1, Clifford's Inn.—Fiat dated March 24.
- LANCELOT NEWTON**, Gutter-lane, Cheapside, London, warehouseman, dealer and chapman, April 14 at 11, and May 12 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Hensman, Basing-lane, Bow-lane, Cheapside.—Fiat dated March 23.
- EDWARD DORLING**, Ipswich, Suffolk, Berlin wool dealer, and chapman, April 9 at half-past 11, and May 11 at 12, Court of Bankruptcy, London: Off. Ass. Turquand; Sols. Reed & Langford, Friday-street.—Fiat dated March 24.
- JAMES ROBERT ELLIS**, Houndsditch, London, brass founder, dealer and chapman, April 7 and May 11 at half-past 12, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Lawrence & Plews, Bucklersbury.—Fiat dated March 28.
- JOHN SPAUL**, Beer-lane, Lower Thames-street, London, wine and general merchant, April 8 at half-past 1, and May 14 at 11, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Philp, Great St. Helens.—Fiat dated March 23.
- MICHAEL KELLY**, Liverpool, provision dealer, April 24 and May 15 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Jones, Liverpool; Vincent & Sherwood, Temple, London.—Fiat dated March 24.
- WILLIAM EDMOND**, Bombay, East Indies, and **THOMAS EDMOND**, Liverpool, merchants, (carrying on business as merchants, at Liverpool, and at Bombay with Robert McKim, of Bombay, under the firm of William & Thomas Edmond & Co. at Bombay, and William Edmond & Co. at Liverpool), April 17 and May 1 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Atkinson & Co., Manchester; Abbott, Charlotte-st., London.—Fiat dated March 6.
- HENRY DUNINGTON**, Nottingham, glove manufacturer, dealer and chapman, April 14 at half-past 11, and May 8 at half-past 10, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sols. Freeth & Rawson, Nottingham; Hodgson, Birmingham.—Fiat dated March 21.
- JOHN HIRST** and **JOSEPH GRAHAM**, Dewsbury, Yorkshire, cloth dressers, April 13 and May 4 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Carias, Leeds; Williamson & Co., Verulam-buildings, London.—Fiat dated May 25.
- THOMAS KENWORTHY ROWBOTHAM**, Huddersfield, Yorkshire, book-keeper and accountant, (late in copartnership with Henry Rowbotham and Robert Johnson Kenworthy, Brinksway and Manchester, as bleachers and calico printers, under the name of Rowbotham, Brothers, & Co.), April 13 and May 4 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Robinson, Huddersfield; Sanderson, Leeds; Lever, King's-road, Bedford-row, London.—Fiat dated March 25.
- JAMES ROGER HAYARD**, Rhymney, Llangunider, Breconshire, commission agent and oil retailer, April 23 and May 15 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sol. Phillpotts, Cardiff, Glamorganshire.—Fiat dated March 24.

**VALENTINE ELKINS**, Southampton-place, Euston-sq., and High-st., Mary-le-bone, Middlesex, coach maker and coach smith, bookseller, stationer, dealer and chapman, (trading under the name of Elkins & Co.), April 14 and May 15 at 12, Court of Bankruptcy, London: Off. Ass. Groom; Sol. Fidley, Paper-buildings, Temple.—Fiat dated March 28.

**JOHN SCOTT**, Newcastle-upon-Tyne, fruiterer and commission agent, April 6 at 12, and May 25 at 2, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Harle, Newcastle-upon-Tyne; Chisholm & Co., 64, Lincoln's-inn-fields, London.—Fiat dated March 24.

## MEETINGS.

*Thos. D. Latham* and *Jos. Parry*, Devonshire-sq., London, merchants, April 22 at 12, Court of Bankruptcy, London, aud. ac. sep. est. of *Thos. D. Latham*.—*Henry Mugeridge*, St. John-st., Middlesex, wire drawer, April 22 at 11, Court of Bankruptcy, London, aud. ac.—*Chas. Bartlett*, Southampton, merchant, April 22 at half-past 11, Court of Bankruptcy, London, aud. ac.—*Eliz. Rolph* and *Thos. Rolph*, Shepherd's-court, Upper Brook-st., Grosvenor-sq., Middlesex, builders, April 22 at 11, Court of Bankruptcy, London, aud. ac.—*John Gurney*, Lambeth-walk, Surrey, brewer, April 22 at 11, Court of Bankruptcy, London, aud. ac.—*William Fisher*, York-place, and Ordinance-road, St. John's-wood, Mary-le-bone, Middlesex, commission agent, April 21 at 11, Court of Bankruptcy, London, aud. ac.—*Ch. Jas. Baker*, and *Edw. J. Eastwood*, London, warehousemen, April 21 at 12, Court of Bankruptcy, London, aud. ac.—*John Fowler* and *G. Marsh Lathorne*, Little Tower-street, London, tea dealers, April 21 at 1, Court of Bankruptcy, London, aud. ac.—*Robt. Godfrey Fox*, Canterbury, wine merchant, April 22 at 11, Court of Bankruptcy, London, aud. ac.—*Elisba Oldham* and *Thomas Oldham*, Chalford and Cheltenham, Gloucestershire, builders, April 27 at 11, District Court of Bankruptcy, Bristol, aud. ac.; and fin. div.—*Wm. Daniel*, Manchester, cabinet maker, April 23 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*T. Ashworth* and *Mich. Septimus Keyworth*, Manchester, common brewers, April 22 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*John Lovethin* and *R. Jackson Brinley*, Newcastle-upon-Tyne, printers, April 21 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; April 23 at half-past 1, div.—*Wm. Fordyce*, Newcastle-upon-Tyne, bookseller, April 23 at 2, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*Peter Hansen*, Newcastle-upon-Tyne, merchant, April 21 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; April 23 at 1, div.—*J. Henderson*, High Crosby, Cumberland, horse-dealer, April 21 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*C. J. Russel*, Ludlow, Shropshire, scrivener, April 25 at 11, District Court of Bankruptcy, Birmingham, aud. ac.—*J. Jenkins*, Crown-pl., Old Kent-road, Surrey, currier, April 22 at 1, Court of Bankruptcy, London, div.—*T. Pulvertoft*, Wisbeach St. Peter's, Isle of Ely, Cambridge, gentleman, April 22 at 1, Court of Bankruptcy, London, div.—*John Calthrop*, Isleham, Suffolk, iron master, April 22 at 1, Court of Bankruptcy, London, div.—*John Hill*, Queen-st., Hammersmith, Middlesex, licensed victualler, April 21 at 1, Court of Bankruptcy, London, div.—*James Waddell*, Lime-street and Loadenball-street, London, ship broker, April 21 at half-past 11, Court of Bankruptcy, London, div.—*C. Bonner*, Spalding, Lincolnshire, scrivener, April 22 at 1, Court of Bankruptcy, London, div.—*George Stephen*, Skinner's-place, Sise-lane, London, and William-street, Knightsbridge, Middlesex, scrivener, April 17 at 12, Court of Bankruptcy, London, div.—*Alex. Levi Newton*, Bury-street, St. Mary Axe, London, merchant, April 21 at 2, Court of Bankruptcy, London, div.—*R. Musgrove*, Birmingham, woollen draper, April 21 at 1, Court of Bankruptcy, London, div.—*William Henry Alexander* and *Chas. Bolton Richards*, Upper Clifton-street, Finsbury, Middlesex, hardwaxmen, April 24 at 12, Court of Bankruptcy, London, div.—*Jas. Durnall*, Dover, Kent, ironmonger, April 22 at 1, Court of Bankruptcy, London, div.—*J. Henderson*, High Crosby, Cumberland, horse dealer, April 23 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, div.

## CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on the Day of Meeting.*

*J. Coe*, Sise-lane, Bucklersbury, London, money scrivener,

April 22 at half-past 11, Court of Bankruptcy, London.—*Isaac Denning*, Titchbourne-street, St. James, Westminster, Middlesex, watchmaker, April 22 at 12, Court of Bankruptcy, London.—*Thos. Prentis Hawley*, Brunswick-parade, Barnsbury-road, Islington, Middlesex, cheesemonger, April 22 at half-past 11, Court of Bankruptcy, London.—*Robert Gunn*, Clare, Suffolk, corn dealer, April 22 at 12, Court of Bankruptcy, London.—*Edward Eedle*, Chancery-lane, Middlesex, bookseller, April 22 at 11, Court of Bankruptcy, London.—*T. Howell*, Queen's Head-passage, Newgate-street, London, hotel keeper, April 22 at 2, Court of Bankruptcy, London.—*Thos. Francis Saunders*, Burton-upon-Trent, Staffordshire, brewer, April 22 at 1, Court of Bankruptcy, London.—*Christopher Buckmore*, Cork-street, Middlesex, tailor, April 22 at 2, Court of Bankruptcy, London.—*J. Challen*, Odiham, Southampton, brewer, April 22 at 12, Court of Bankruptcy, London.—*George Wm. Longridge*, Sunderland, Durham, ironmonger, April 23 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne.—*G. Patmore Payne*, Liverpool, dealer in optical instruments, April 21 at 12, District Court of Bankruptcy, Liverpool.—*John Wm. Frost*, Kingsland-green, Middlesex, coffee dealer, April 22 at 11, Court of Bankruptcy, London.—*Alfred Oakley*, Southampton, seedsman, April 23 at 11, Court of Bankruptcy, London.—*H. Fricker*, Southampton, innkeeper, April 23 at 1, Court of Bankruptcy, London.—*W. Fisher*, York-place and Ordnance-road, St. John's-wood, Mary-le-bone, Middlesex, commission agent, April 21 at 11, Court of Bankruptcy, London.—*Thos. Wren*, Preston, Lancashire, share broker, April 22 at 12, District Court of Bankruptcy, Manchester.—*Robert Kilpatrick* and *Jas. Smith*, Liverpool, rope manufacturers, April 24 at 12, District Court of Bankruptcy, Liverpool.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before April 21.

*James Miller*, Southampton, cordwainer.—*William Wilks*, Leeds, Yorkshire, builder.—*Wm. Ibbotson*, Sheffield, Yorkshire, merchant.—*Andrew Palmer*, Feltwell, Norfolk, druggist.—*Benjamin Wood* the younger, Leeds, Yorkshire, wine merchant.—*Thomas Hodgson*, Liverpool, bookseller.—*Geo. Osborn*, Exeter, whip maker.—*Robert Agars*, Kingston-upon-Hull, woollen draper.—*Mark Starley*, Southam, Warwickshire, organ builder.—*John F. Gee*, Leeds and Horsforth, Yorkshire, linen draper.—*V. S. U. Lenormand*, Regent-street, Middlesex, milliner.—*Thomas Ratnett*, Cambridge, tailor.

#### PARTNERSHIPS DISSOLVED.

*Peter A. Burrell*, White Hart-court, Lombard-street, and *Edward Paterson*, Throgmorton-street, London, attornies and solicitors.—*James Birkett* and *Robert Foster*, Liverpool, attornies and solicitors.

#### SCOTCH SEQUESTRATIONS.

*John Orr*, Glasgow, victualler.—*Eduard Khull* and *Alexander Polson*, Glasgow, printers.—*Macgregor, Polson, & Co.*, Glasgow, publishers.—*James Law*, Kilmarnock, innkeeper.—*David Smith*, Dundee, writer.

#### INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

*Angelo Bianchini*, Holloway, Middlesex, out of business, April 4 at half-past 1, Court of Bankruptcy, London.—*Jas. Chambers*, Dirk-pits, Ickham, near Wingham, Kent, blacksmith, April 4 at 2, Court of Bankruptcy, London.—*George Chappell*, Meldreth, near Melbourn, Cambridgeshire, agent for the purchase of horses, April 4 at 2, Court of Bankruptcy, London.—*James Stophor*, Billericay, Great Burnstead, Essex, clerk to a brewer, April 4 at half-past 12, Court of Bankruptcy, London.—*G. L. Setchell*, Rodney-buildings, New Kent-road, Surrey, out of business, April 17 at 11, Court of Bankruptcy, London.—*Richard Birch*, Hernatridge-terrace, St. John's-wood, St. Marylebone, Middlesex, attorney, April 2 at 1, Court of Bankruptcy, London.—*George Bonwell*, Grey Eagle-street, Spitalfields, Middlesex, wheelwright, April 17 at 11, Court of Bankruptcy, London.—*J. Marchant*, Brighton, Sussex, licensed victualler, April 23 at 12, Court of Bankruptcy, London.—*Frederick Fox Cooper*, Walcott-place East, Lambeth, Surrey, dramatic author, April 23 at half-past 12, Court of Bankruptcy, London.—*Robert King*, York-road,

Lambeth, Surrey, baker, April 23 at half-past 12, Court of Bankruptcy, London.—*Wm. Edwards*, Frating, Essex, licensed victualler, April 23 at half-past 11, Court of Bankruptcy, London.—*Stephen Biggs*, Southampton, licensed agent for the sale of beer, April 23 at half-past 11, Court of Bankruptcy, London.—*J. Collins*, Blackheath, Kent, clothier, April 8 at 12, Court of Bankruptcy, London.—*Edm. Dear*, Grove-street, Camden-town, Middlesex, milkman, April 8 at 12, Court of Bankruptcy, London.—*Wm. Grand*, Brompton, Middlesex, builder, April 17 at 11, Court of Bankruptcy, London.—*Wm. M. Carey*, Berwick-street, Westminster, Middlesex, artificial flower maker, April 17 at 11, Court of Bankruptcy, London.—*Jabez Purser*, Leighton Buzzard, Bedfordshire, plumber, April 17 at 11, Court of Bankruptcy, London.—*Wm. Mold*, Poulton-street, Middlesex, schoolmaster, April 17 at 11, Court of Bankruptcy, London.—*Benjamin Fisher*, Great White Lion-street, Seven-dials, Middlesex, cowkeeper, April 16 at 11, Court of Bankruptcy, London.—*R. J. Bell*, Newcastle-upon-Tyne, cartman, April 21 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Wm. Russell*, Tyne-mouth, Northumberland, sail maker, April 7 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Jas. Threadgall*, Shelsley, Suckley, brick maker, April 18 at half-past 10, District Court of Bankruptcy, Birmingham.—*Fred. William Harvey*, Plymouth, Devonshire, accountant, April 21 at 10, Guildhall, Plymouth.—*George Rushton*, Holebottom, Spottland, Rochdale, Lancashire, butcher, April 14 at 12, District Court of Bankruptcy, Manchester.—*James Padmore*, West Derby, near Liverpool, butcher, April 16 at 12, District Court of Bankruptcy, Liverpool.

Saturday, March 28.

The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.

*Joseph Windle*, Southampton-place, Euston-square, Middlesex, ship agent, No. 57,287 T.; *George Rawlin*, new assignee, in place of John Moses and Wm. John Livingston, removed.—*Samuel Everall*, Manchester, general merchant, No. 31,702 T.; *Samuel Green*, assignee.—*George Barrett*, Abergavenny, Monmouthshire, corn factor's assistant, No. 67,157 C.; *James Keyse* and *James Evens*, assignees.—*Benjamin Priddey*, Brighton, Sussex, bricklayer, No. 67,287 C.; *Robt. Marler*, assignee.

Saturday, March 28.

Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—

(On their own Petitions).

*Thomas Donaldson* the elder, Kingsland-road, Middlesex, corn dealer: in the Queen's Prison.—*Wm. Henry Summers*, Holland-place, Denmark-street, Cold Harbour-lane, Camberwell, Surrey, solicitor: in the Queen's Prison.—*Wm. Ellis Gould*, London-wall, London, carver: in the Debtors Prison for London and Middlesex.—*Christopher Webster*, Middlesbrough, Yorkshire, joiner: in the Gaol of York.—*John Wilson*, Guisborough, Yorkshire, common carrier: in the Gaol of York.

(On Creditor's Petition).

*George Bernard Knighton Drake*, Goodrington-sands, Paignton, Devonshire, gentleman: in the Gaol of St. Thomas Apostle.

#### FRIDAY, APRIL 3<sup>d</sup>

##### BANKRUPTS.

**JAMES HAYE** and **HENRY AYRES**, Newgate-street, London, woollen drapers, dealers and chapmen, April 16 at half-past 2, and May 21 at 1, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Everest & Co., Hatton-garden.—Fiat dated March 31.

**JOHN DUTT**, Upper-street, St. Mary, Islington, Middlesex, carpenter and builder, dealer and chapman, April 17 and May 21 at 2, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Wright, 8, Gracechurch-street.—Fiat dated April 1.

**JOHN WITHERS**, Bushey-heath, Bushey, Hertfordshire, dealer in sheep and cattle, dealer and chapman, April 17 at half-past 11, and May 19 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Cowley & Son, Watford; Sanger, 4, Essex-court, Temple.—Fiat dated April 2.

**HENRY WATKINSON**, President-street East, St. Luke, and Macclesfield-street South, City-road, Middlesex, carpenter, builder, dealer and chapman, April 17 at 1, and May 21 at 11, Court of Bankruptcy, London: Off. Ass. Bell; Sol. King, North-buildings, Finsbury-circus.—Fiat dated March 30.

**WILLIAM GEORGE BRADFORD**, Bucklersbury, London, tailor, April 18 at 11, and May 16 at 1, Court of Bankruptcy, London: Off. Ass. Green; Sols. Tatham & Son, Staple Inn.—Fiat dated March 26.

**THOMAS FORSHALL**, Grove-house, Doddington-grove, Kennington, Surrey, surgeon, boarding and lodging-house keeper, dealer and chapman, April 11 at half-past 2, and May 23 at 12, Court of Bankruptcy, London: Off. Ass. Green; Sol. Bisgood, Carey-street, Lincoln's Inn.—Fiat dated April 2.

**WILLIAM PILE**, Lower Thames-st., London, licensed victualler, dealer and chapman, April 11 at half-past 1, and May 16 at half-past 11, Court of Bankruptcy, London: Off. Ass. Follett; Sol. Duplex, Lincoln's-inn-fields.—Fiat dated April 2.

**ELIZABETH SMITH DYKES**, Romford, Essex, basket maker and cooper, April 18 at 2, and May 23 at 1, Court of Bankruptcy, London: Off. Ass. Green; Sols. Flower, Romford; Gadsden & Flower, 14, Farnival's Inn.—Fiat dated March 31.

**JOSEPH RICHARD HOLMES**, Poplar, Middlesex, brewer, dealer and chapman, April 9 at half-past 1, and May 11 at 1, Court of Bankruptcy, London: Off. Ass. Graham; Sol. May, Queen-square.—Fiat dated March 23.

**ABRAHAM DUFFIELD and MARK DUFFIELD**, (trading under the firm of Duffield & Son), Slough, Buckinghamshire, ironmongers, brassiers, and zinc workers, April 9 at 11, and May 15 at 12, Court of Bankruptcy, London: Off. Ass. Belcher; Sol. Taylor, 38, Moorgate-street.—Fiat dated March 30.

**THOMAS GRAVES SHANN**, Leeds, Yorkshire, woollen cloth merchant, dealer and chapman, April 13 and May 4 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Kynaston; Sols. Wiseman, Leeds; Strangways, Barnard's Inn, London.—Fiat dated March 30.

**HENRY MARSLAND**, Hazel-grove, within Borden, Cheshire, silk throwster, dealer and chapman, April 14 and May 20 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Coppock & Woollam, Stockport; Coppock, 3, Cleveland-row, St. James's, Westminster.—Fiat dated March 24.

**JOHN MORRIS**, Manchester, auctioneer, dealer in furniture, dealer and chapman, April 16 and May 12 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Cooper, Manchester; Gregory & Co., Bedford-row, London.—Fiat dated March 31.

**JOHN WILLIAMSON**, Manchester, brick maker and coal dealer, April 14 and May 20 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Catterall, Preston, Lancashire; Gregory & Co., Bedford-row, London.—Fiat dated March 26.

**THOMAS MASKELL COOK**, (trading under the name of Thomas Cook), Bath, publican, dealer and chapman, April 20 and May 15 at 12, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sol. Mansford, Bath.—Fiat dated March 19.

**MICHAEL OLIVER**, Longtown, Cumberland, innkeeper and livery-stable keeper, April 20 at 1, and May 25 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Wakley; Sols. Mounsey, Carlisle; Hoyle, Newcastle-upon-Tyne; Mounsey & Gray, Staple Inn, London.—Fiat dated March 19.

**THOMAS HENREY**, Liverpool, draper, dealer and chapman, April 30 and May 19 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Bradley, Liverpool; Walker, Farnival's Inn, London.—Fiat dated March 31.

#### MEETINGS.

*George Butler Earp*, London, ship broker, April 14 at 11, Court of Bankruptcy, London, last ex.—*Walter Spiers*, North Audley-street, Oxford-street, Middlesex, printer, April 27 at 12, Court of Bankruptcy, London, and ac.—*George Goddard*, Leicester, tea dealer, April 27 at 12, Court of Bankruptcy, London, and ac.—*Alexander Winton*, *David Winton*, and *James Webber*, Wood-street, Cheapside, London,

warehousemen, April 27 at half-past 1, Court of Bankruptcy, London, and ac.—*Mary Gay* and *Henry Smith*, Farringdon-street and Ludgate-hill, London, linen drapers, April 25 at 12, Court of Bankruptcy, London, and ac.—*Edgar Barnes*, Aldborough, Suffolk, wine merchant, April 27 at 12, Court of Bankruptcy, London, and ac. and div.—*B. Calvey*, Tooley-street, Southwark, Surrey, draper, April 25 at 11, Court of Bankruptcy, London, and ac. and div.—*John Burbidge* and *John Burbidge* the younger, Tysoe-street, Middlesex, cabinet makers, April 25 at 12, Court of Bankruptcy, London, and ac.—*David Hutson*, St. Alban's, Hertfordshire, agent, April 27 at half-past 12, Court of Bankruptcy, London, and ac.—*Wm. Orchard*, Portsea, Hampshire, builder, April 27 at half-past 12, Court of Bankruptcy, London, and ac.—*Joseph H. Rand*, Westminster-bridge-road, Lambeth, Surrey, dealer in glass, April 27 at half-past 12, Court of Bankruptcy, London, and ac.—*Thomas Miller*, Mansell-street, Goodman's-fields, oilman, April 27 at 11, Court of Bankruptcy, London, and ac.—*Richard Stafford*, Warnford-court, London, share agent, April 27 at half-past 11, Court of Bankruptcy, London, and ac.—*George Hoskins*, Peckham, Surrey, watch maker, April 27 at 11, Court of Bankruptcy, London, and ac.—*Mary Butterfield* and *Thomas A. Butterfield*, Royston, Hertfordshire, linen drapers, April 28 at 12, Court of Bankruptcy, London, and ac.—*D. W. Lucas*, Mark-lane, London, hemp dealer, April 28 at 11, Court of Bankruptcy, London, and ac.—*John Warburton*, Liverpool, tailor, April 24 at 11, District Court of Bankruptcy, Liverpool, and ac.—*Samuel Ball*, Liverpool, chemist, April 24 at 12, District Court of Bankruptcy, Liverpool, and ac.—*Chas. Williams*, Sunderland, Durham, carrier, April 24 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.—*George Dixon* and *Henry Anderson*, Bishop Auckland, Durham, wine merchants, April 24 at 2, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.—*Lazenby Pearson*, Newcastle-upon-Tyne, currier, April 24 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.—*Wm. Thompson* and *James Mellis*, Newcastle-upon-Tyne, England, and Buenos Ayres and Monte Video, South America, merchants, April 24 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.; at half-past 12, and ac. sep. est. *W. Thompson*.—*John Hill*, Birmingham, currier, April 24 at 11, District Court of Bankruptcy, Birmingham, and ac.; April 28 at 11, div.—*Richard W. Fletcher*, *Joseph Fletcher*, and *John Fletcher*, Walsall, Staffordshire, merchants, April 28 at 11, District Court of Bankruptcy, Birmingham, and ac.—*Rich. Newhouse*, Huddersfield, plumber, April 25 at 11, District Court of Bankruptcy, Leeds, and ac.—*George Olden*, New Sarum, Wiltshire, grocer, April 24 at half-past 12, Court of Bankruptcy, London, fin. div.—*Anthony Jameson*, Yarn, Yorkshire, surgeon, April 24 at half-past 12, Court of Bankruptcy, London, fin. div.—*Geo. Graham*, *Thomas Adams*, and *M. B. Macfarlane*, Cheapside, London, calico printers, April 27 at 1, Court of Bankruptcy, London, div.—*James Ashley* and *Joshua Jones Ashley*, Regent-street, Westminster, bankers, April 25 at 11, Court of Bankruptcy, London, fin. div.—*Richard Stafford*, Warnford-court, London, share agent, April 27 at half-past 11, Court of Bankruptcy, London, div.—*Robert Godfrey Fox*, Canterbury, wine merchant, April 28 at 1, Court of Bankruptcy, London, div.—*J. Fowler* and *G. M. Linthorne*, Little Tower-street, London, tea dealers, April 29 at 11, Court of Bankruptcy, London, div.—*G. B. Brown*, *E. R. Dawson*, and *Chas. Dawson*, New Broad-street, London, merchants, April 28 at 12, Court of Bankruptcy, London, div.—*Rich. Newhouse*, Huddersfield, Yorkshire, plumber, April 30 at 11, District Court of Bankruptcy, Leeds, div.—*John Wright*, Birmingham, cabinet maker, April 28 at 11, District Court of Bankruptcy, Birmingham, fin. div.—*Joseph Phipson*, Birmingham, button manufacturer, April 27 at 11, District Court of Bankruptcy, Birmingham, fin. div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Frederick Jones*, Canterbury, wine merchant, April 24 at 1, Court of Bankruptcy, London.—*John Poulton* the younger, Luton, Bedfordshire, straw hat manufacturer, April 24 at 1, Court of Bankruptcy, London.—*R. W. Cronk*, Seal, Kent, grocer, April 24 at 1, Court of Bankruptcy, London.—*S. B. Holder*, London, merchant, April 28 at 11, Court of Bankruptcy, London.—*Wm. A. Darby*, Charles-st., Westbourne-

terrace, Paddington, Middlesex, builder, April 28 at 11, Court of Bankruptcy, London.—*Mary Butterfield* and *T. A. Butterfield*, Royston, Hertfordshire, linen drapers, April 28 at 12, Court of Bankruptcy, London.—*George Goddard*, Leicester, tea dealer, April 27 at 12, Court of Bankruptcy, London.—*Wm. Bonella*, Pollard's-row, Bethnal-green, Middlesex, out of business, April 27 at 1, Court of Bankruptcy, London.—*Anthony Russell*, Greenwich, Kent, builder, April 27 at half-past 11, Court of Bankruptcy, London.—*William Ashton*, Pickering, Yorkshire, spirit merchant, April 27 at 11, District Court of Bankruptcy, Leeds.—*George Watson*, Gateshead, Durham, bookseller, April 24 at half-past 1, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Wm. Wingfield*, Masbrough, Rotherham, Yorkshire, common brewer, April 28 at 11, District Court of Bankruptcy, Leeds.—*Thos. Parnell*, Manchester, laceman, April 27 at 12, District Court of Bankruptcy, Manchester.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before April 24.

*Thos. Findley*, Manchester, plasterer.—*W. Ward*, Belton, Rutlandshire, farmer.—*John Kelsey*, Manchester, builder.—*Ed. Tomkies*, Shrewsbury, Shropshire, and Manchester, fell-monger.—*G. Walker Gee*, Leeds and Hornforth, Yorkshire, linen draper.

#### PARTNERSHIP DISSOLVED.

*Grantham Robt. Dodd* and *William Shaw Smith*, Reading, Berkshire, attorneys and solicitors.

#### SCOTCH SEQUESTRATIONS.

*Wm. Thomson Aitken*, Glasgow, sharebroker.—*J. Miller*, Dundee, coal merchant.

#### INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

*J. Tye*, Lower Queen's-row, Pentonville, St. James, Clerkenwell, Middlesex, chymist, April 6 at 1, Court of Bankruptcy, London.—*William Steedman*, Sherborne-street, New North-road, Islington, Middlesex, warehouseman, April 6 at 1, Court of Bankruptcy, London.—*W. Venn Elliott*, Hartshorn-alley, Leadenhall-street, London, carpenter, April 6 at half-past 1, Court of Bankruptcy, London.—*John Lee*, Brick-lane, Spitalfields, Middlesex, cordwainer, April 7 at 12, Court of Bankruptcy, London.—*Th. Avison*, Chidwell, near Dewsbury, Yorkshire, wool dealer, April 7 at 11, District Court of Bankruptcy, Leeds.—*W. Dean*, Yeadon, Guiseley, Yorkshire, cloth manufacturer, April 7 at 11, District Court of Bankruptcy, Leeds.—*Eliz. Sellers*, Swinton, Yorkshire, widow, imkeeper, April 7 at 11, District Court of Bankruptcy, Leeds.—*James Lowe*, Sunbridge, Bradford, Yorkshire, upholsterer, April 16 at 11, District Court of Bankruptcy, Leeds.—*Joseph Robinson*, Leeds, Yorkshire, butcher, April 16 at 11 District Court of Bankruptcy, Leeds.—*W. Cartile*, Bradford, Yorkshire, tobacconist, April 16 at 11, District Court of Bankruptcy, Leeds.—*Josh. Turner*, Bridgehouses, Sheffield, Yorkshire, out of business, April 17 at 11, Cutlers'-hall, Sheffield.

Wednesday, April 1.

Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—

(On their own Petitions).

*James Austin Fowles*, Ilfracombe, Devonshire, out of business in the Queen's Prison.—*Anthony Bacon*, Englefield-green, near Egham, Surrey, gentleman: in the Gaol of Surrey.—*T. Ward*, Pearl-crescent, Bagnigge-wells-road, Middlesex, commission agent for the sale of coals: in the Debtors Prison for London and Middlesex.—*E. Gregory*, Frith-street, Soho, Middlesex, carver: in the Debtors Prison for London and Middlesex.—*W. Abr. Dupere*, Greenwich, Kent, poulterer: in the Queen's Prison.—*H. Wyatt*, Albion-street, Hyde-park, and Queen's-road, Notting-hill, Middlesex, architect: in the Debtors Prison for London and Middlesex.—*Thos. Barnes*, St. Ebbe, Oxford, baker: in the Gaol of Oxford.—*J. Thornton*, Calverley, near Leeds, Yorkshire, out of business: in the Gaol of York.—*Henry Detheridge*, Kingswinford, Staffordshire, joiner: in the Gaol of Stafford.—*Joseph Wood*, Roe Buck Low, near Oldham, Lancashire, out of business: in the Gaol of Lancaster.—*Thos. Warner*, Stratford, Essex, grocer: in the Gaol of Chelmsford.

The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Friday, April 17, at 9.

*Rich. Richardson*, Compton-street, Clerkenwell, and Great Northampton-street, Clerkenwell, Middlesex, corn dealer.—*G. Robt. Roerard Hickford*, North-street, Maida-hill, Paddington, Middlesex, out of business.—*J. Worthington*, Frederick-place, Mason-street, Westminster-bridge-road, Surrey, out of business.—*Thos. Smith*, Cambridge-place, Paddington, Middlesex, out of business.—*J. Scott Pearce*, Regent-street, Lambeth, Surrey, out of business.—*J. Dowley Jones*, Golden-lane, Barbican, London, coal dealer.

Adjourned.

*Thomas Higgins*, High-street, Battersea, Surrey, out of business.

April 18, at the same hour and place.

*Frederick Clarke*, Lower Grosvenor-street, Grosvenor-sq., Middlesex, surgeon dentist.—*Jabez Strange*, Shaftesbury-st., Horton, Middlesex, out of business.—*J. Henry Nainby*, Regent-street, Lambeth, Surrey, out of business.—*W. Walter*, Foxley-place, Camberwell New-rd., Surrey, commission agent.—*R. T. Morton*, Paris-street, Lambeth, Surrey, publican.—*Leonard Albin*, Nelson-square, Peckham New-town, Surrey, commission agent.

April 20, at the same hour and place.

*W. Lasslett*, Swalecliffe, near Canterbury, Kent, carpenter.  
*Edw. Adolphus James Walsh*, Grove-place, Brompton, Middlesex, attorney at law.—*Eliz. M. Cottrell*, Camden-passage, Islington-green, Middlesex, nurse.—*John Gillett*, Marsham-street, Westminster, Middlesex, out of business.—*John Frost*, Peckham, Surrey, out of business.—*Henry J. Burn*, Somerset-street, Portman-square, Middlesex, out of business.

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Printed by WALTER M'DOWALL, PRINTER, residing at No. 4, Pemberton Row, Gough Square, in the Parish of St. Bride, in the City of London, at his Printing Office, situate No. 5, Pemberton Row aforesaid; and Published at No. 3, CHANCERY LANE, in the Parish of St. Dunstan in the West, in the City of London, by HENRY SWEET, LAW BOOKSELLER and PUBLISHER, residing at No. 11, John Street, Bedford Row, in the County of Middlesex. Saturday, April 4, 1846.

# The Jurist

No. 483—VOL. X.

APRIL 11, 1846.

PRICE 1s.

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LONDON, APRIL 11, 1846.

THE Government proposes, it seems, to meet the conflicting clamours of railroad company promoters and allottees, by bringing forward a measure with regard to the winding up of the affairs of railroad companies, which, so far as we can gather its import from the speeches of Sir Robert Peel and the Earl of Dalhousie, appears to be of this general character: that, upon a majority of the shareholders in a railroad company desiring to stay proceedings in Parliament, and petitioning both Houses to that effect, an order shall be made staying all proceedings before Parliament in the matter until further order; and that, as to companies in various stages of advancement or of failure, upon a majority of the shareholders desiring to wind up their concerns, and petitioning both Houses of Parliament to that effect, a sort of trustee or official assignee shall be appointed, to collect the assets and pay the debts of the company, and to divide the balance, if there be any, among the shareholders and other parties entitled. This seems the general outline of the plan which is thrown out now, in order that promoters and shareholders of companies may consider it between this and the bringing in of the bill, which is to take place immediately after the Easter holidays. We remember a saying of an ancient worthy, "That all that he knew well was, that he knew nothing;" and, in like manner, we think, that all one can say of the proposed measure is, that he can say nothing! The essence of such a measure resides in its details, or, at least, in the general arrangement of its specific details; and to tell anxious and expectant promoters and allottees, that, by some machinery, in which a trustee is to figure, and that is literally all that is told them, their disputes shall be settled, their anxieties allayed, their liabilities determined, is a piece of the merest oratorical mockery

that ever proceeded from parliamentary lips, wrapped up in a cloud of parliamentary commonplaces. If it were intended in earnest that the parties interested in such undertakings should have the opportunity of considering the projet de loi before its formal proposal to Parliament, the bill should have been prepared, and its proposed enactments specifically announced, even should the forms of Parliament not render it expedient actually to read it as a bill. As it is, all that we know is, that there is to be a trustee, who, by some "machinery," as it was described, is to arrange all things; but what that machinery is, Parliament was not told; and, therefore, neither we nor any other persons interested in the objects of the proposed act can tell what it is that is to be considered,—what that is upon which representations, or petitions, or suggestions are to be sent forth between this and the post Easter parliamentary sittings.

We can, however, form an opinion as to the points which should be considered and provided for in any act of Parliament professing to intend the adjustment of the relative claims and liabilities of promoters of railroad companies, allottees in such companies, and third persons contracting with them. On those points we shall offer a few observations.

Whatever may be the arrangements proposed as between promoters and shareholders, whatever may be the new relation which, as between those parties, may be thought to exist, founded upon any implied contracts arising out of that general knowledge of the nature of company speculations, which it would be absurd, at this day, not to impute to all persons sui juris and compotes mentis, few, we believe, could be found to assert that there is any circumstance in the new order of things—any sufficiently new relation between companies, or their representatives, and third persons—which could justify any interference with the rules of law now existing for the protection of such third persons. The rights



of persons dealing with and supplying companies with goods or labour, whether through provisional committees or directors, or otherwise, ought, therefore, and we have no doubt will be left as they now are at law and in equity. If facilities can be afforded for enforcing such rights with a saving of time or expense to either party, that will be a proper object of legislation; but we apprehend that it will not be thought a legitimate object in any measure, to diminish such rights, either as to their extent, the directness and simplicity of the remedies for enforcing them, or the expedition with which they can be enforced.

With regard to the relative positions of promoters and shareholders, the case may be different. It may not be unjust in the abstract, or impolitic as to future transactions, to impute, in point of law, to persons contracting to take shares in railroad or other speculative companies, that knowledge which, in society, every man of the world would think himself deeply insulted in being supposed not to possess; but it does not follow that it would be just to adopt such an imputation in an act operating retrospectively. We apprehend, therefore, that the bill intended to be proposed ought to be severely criticised, if it proposes to alter the legal rights of shareholders in existing schemes; that it ought, therefore, in fixing the powers and duties of the proposed trustee, to leave as they now are, at law and in equity, the rights and liabilities of shareholders and promoters inter se, only providing definite and, if possible, cheap and expeditious modes of enforcing those rights and liabilities.

It would, no doubt, sound very well in an oration, and would have a pretty systematic and orderly air, to make allottees liable in all cases to contribute, for instance, to the preliminary expenses of an undertaking; or, on the other hand, to make them wholly irresponsible, leaving all the onus upon the promoters. But, if the law is now, that under certain circumstances an allottee is not liable, and that under certain others he is, there can be no good reason for reversing the liabilities, and, by an *ex post facto* law, committing an injustice for the sake of symmetry. The parliamentary trustee ought, therefore, we conceive, to have as many executive facilities as possible, but no powers or rights inconsistent with the existing legal and equitable rights of all his *cœstui que trustent*.

In the speeches announcing the proposed measure, not a word is said about how the trustee is to collect the assets of a company,—what are to be his powers,—how he is to sue or be sued,—how the great stumbling-block, the question of parties, is to be dealt with, &c. Of course, these, and other practical difficulties, which are in fact the principal, if not the only, present difficulty, will be dealt with by the bill. But, again, we must ask, what Legislators mean by offering for the consideration of the parties concerned, during the Easter holidays, the vaguest generalities, on a subject on which the necessity for legislative interference arises almost entirely from obstructions and difficulties in matters of detail, and in the smallest possible degree from any difficulty as to broad principles.

## OBSERVATIONS ON *BROWN v. ANNANDALE*, (WEBSTER'S PAT. CAS. 433).

It is well known, that, in respect to the grant of letters-patent, distinct grants are made for England, Scotland, and Ireland respectively. The letters-patent for England issue under the Great Seal of England; those for Scotland under the seal appointed by the treaty of Union to be used in the place of the Great Seal of Scotland; and those for Ireland under the Great Seal of Ireland; and the privileges granted are for most purposes distinct. Thus, there can be no doubt that the possession of letters-patent in England, would not entitle the patentee to prevent the use of his invention in Scotland; nor, on the other hand, if there be a patent in England, could a person making or purchasing the patent article in Scotland, bring it to England for the purpose of trading. Whether a subject of the Queen, purchasing in Scotland or Ireland an article for which there is a patent in England, might bring it to England for the purpose of personal use, and whether, if he died in England, it might be sold there as part of his estate, has been doubted; and to this question Lord Eldon said he did not know an answer. (*Universities of Oxford and Cambridge v. Richardson*, 6 Ves. 709).

Until the decision of the House of Lords in *Brown v. Annandale*, (Webster's Pat. Cas. 433), it was generally thought that the three kingdoms were so distinct with reference to patent rights, that user of an invention in one of the three branches of the United Kingdom would not, of itself, invalidate the subsequent grant of letters-patent for such invention in either of the other branches. *Brown v. Annandale*, however, following the older, and till then but little known case of *Roobuck v. Stirling*, (cited in *Brown v. Annandale*), has put an end to that notion, so far, at least, as regards the validity of a Scotch patent taken out after the invention has been in use in England. Some slight shadow of doubt may still exist, perhaps, whether prior user of an invention in Scotland would, upon the authority of *Brown v. Annandale*, invalidate letters-patent obtained in England; because, in *Brown v. Annandale*, much stress was laid upon the terms of a Scotch patent, which are, in some respects, different from those of an English patent. The English patent recites that the petitioner has represented to the Crown that he is the inventor of the particular invention, and that the same is new in *England, Wales, and the town of Berwick-upon-Tweed*, and then goes on to grant the exclusive rights conferred by the letters-patent; concluding with a proviso that the same shall be void, if (*inter alia*) the invention shall be shewn not to be new "*within that part of the United Kingdom called England, the Queen's dominion of Wales, and the town of Berwick-upon-Tweed*."

A Scotch patent, after stating what the petitioner says he has invented, continues the recital thus: "*Quam inventionem credit pro generali beneficio et commode futuram esse; dictam inventionem novam esse, et haud unquam ante hoc factam aut usitatam per ullam aliam personam aut personas quascunque intra hæc regna*," (not "*predictam partem &c.*", vocatam &c.") And then the condition is in the same terms as in the

English patent: "Proviso semper, &c., dictam inventionem quoad publicum usum ejus, in illa parte Regni nostri Uniti Scotia vocata, usum et exercitum non esse," &c. On this Lord Campbell observed, "How can you apply 'hæ regna,' in the recital, to Scotland only?" And, further, "An English patent might remain good with the old form of proviso, notwithstanding the Union, although a Scotch patent might not be so. I do not mean to say that that is so. The Crown would not then be deceived in its grant, and the patent valid on that account." However, although one ground of the decision in *Brown v. Annandale*, besides the authority of *Roebuck v. Stirling*, appears to have been the construction put upon the words "hæ regna" in the recital, as being a false recital, and, therefore, a deceit upon the Crown, the broad ground of the decision (so far as it was a decision upon principle, irrespective of the authority of *Roebuck v. Stirling*) seems to have been, that, upon the true construction of the statute of James I, the Crown has no power to grant letters-patent for an invention, unless it is new in the whole realm. If that is the true ground of the decision in *Brown v. Annandale*, it would follow, that, generally, previous user of an invention in either of the three branches of the United Kingdom, or, in fact, in any locality being part of the realm, will, of itself, invalidate the subsequent grant of letters-patent for such invention, in either of the remaining branches.

From this doctrine some very singular and unforeseen consequences may flow. One is, that involved in the question suggested by Mr. Webster, in the notes to his report of *Brown v. Annandale*, (Webster's Pat. Cas. 454), Whether the decision will apply to a case in which the true and first inventor in one part of the realm, is the grantee of the letters-patent in the other part. We certainly do not see why it should not. The fact that avoids a grant of letters-patent for a particular invention, under *Brown v. Annandale*, is the fact of its antecedent publication. What can it matter by whom, or how, that publication is made? It is quite clear, that, if A. publishes in fact his own invention in England, he cannot afterwards sustain a patent for it in England. It is equally clear, that, if he publishes it in law, that is, if he obtains a patent, and afterwards files a specification, (which would be a publication in law), he could not afterwards procure the first letters-patent to be set aside, and obtain new letters-patent. Why, then, should the fact, that a publication in Scotland is merely a publication in law, by reason of the true inventor obtaining letters-patent and filing a specification, (which would undoubtedly prevent his afterwards obtaining valid letters-patent in Scotland), prevent the operation of the doctrine of *Brown v. Annandale*, so as to preclude him from obtaining valid letters-patent in England? It may seem a hardship, that the rule should go so far, and, if the rule be so, it may cause many inconveniences; but we conceive that the rule laid down by *Brown v. Annandale* is, that the invalidity of letters-patent will be the consequence of the mere fact of antecedent publication of the invention in any other part of the realm, and that there is nothing in that case to authorise the assumption, that publication of any particular kind was meant.

However, whether this is a correct view of the rule or not, it is, at any rate, so far from clear that it is incorrect, that it will behave an inventor (when he can) so to arrange matters, if he intends to take out patents in more than one of the three kingdoms, as that the specification of his invention shall not be filed in either kingdom, until after the letters-patent are sealed in the other. If he does not take this precaution, he incurs great risk of losing his right in one or other of his patents, under *Brown v. Annandale*.

Another question of some difficulty and great import-

ance, is that which we gather to be suggested by the argument of Sir F. Pollock, (Webster's Pat. Cas. 446, 447), whether every English patent, at least, granted according to the form and under the practice in use before *Brown v. Annandale*, is not void, on the ground, that, if the Crown has no power to grant letters-patent except for an invention new in the whole realm, then, first, it ought not to grant them except upon a suggestion that the petitioner has brought himself within the statute; and, secondly, it ought not to grant them with a condition falling short of the condition that the statute requires\*. The suggestion of the petitioner in every petition for an English patent, before *Brown v. Annandale*, was merely that the invention was new in England. He did not, therefore, suggest and swear to all the facts requisite to empower the Crown to grant him a patent. It might be within the knowledge of the petitioner, at the time of presenting his petition, that the invention was not new in the whole realm; and it might happen, that, afterwards, all evidence of the fact would be lost, except that possessed by the petitioner; and the result would be, that, by omitting to suggest and swear to the fact of novelty in the whole realm, the petitioner would be in truth deceiving the Crown into making a grant that ought not to have been made. The question, therefore, is, ought it in point of law to be intended, that the Crown means to grant a right, which it has no power to grant, except to a person possessing specific qualifications, and in reference to a thing possessing specific attributes, upon a suggestion and affidavit failing to allege and prove some of the requisites?

On the second point, can a grant by the Crown be sustained, which, by declaring that it shall be void if the invention is new only in England, impliedly purports to be good, notwithstanding the invention may not be new in another part of the realm, contrary to the statute under which the Crown derives its power? To say, that, by the express condition, the Crown does not intend to imply, that, so far as novelty is concerned, the grant shall be good if that condition is complied with, is to impute to the Crown a surprise and intended fraud upon the grantee, which, of course, cannot be imputed to the Crown; while, if we say that the Crown did not mean to practise a fraud upon the grantee, then we fall into the assertion, that it meant to make a grant contrary to law, which would, of course, be void. The latter seems technically the view most consonant with legal reasoning.

We do not, of course, for one instant, affect to defend the common sense of these arguments. They are of the extremest technicality, and their consequences, if they prevailed, would be absolutely frightful. But it is not clear, for all that, that a court of law could escape from them, without overturning settled doctrines of law touching the validity of grants by the Crown.

\* This doubt seems also to be sanctioned by an observation of the Lord Chancellor. The counsel for the appellant having observed, in his argument in favour of the validity of the grant, "that the respondent claimed to control the prerogative—that the said letters-patent ought to have an additional or more restrictive proviso;" the Lord Chancellor said, "If the proviso is made more extensive than the law authorises, it would no doubt be void by the statute." The writer apprehends, that his Lordship was here referring to the very question, whether a proviso, that, if the invention should appear not to be new in England only, the grant should be void, would be a sufficient proviso; or whether it ought not to have gone on to say, that the patent should be void if the invention was not new throughout the realm. It must be observed, however, that, throughout the case of *Brown v. Annandale*, the observations of the learned Lords appear, according to Mr. Webster's report, to have been merely by way of passing comments upon the arguments, and were probably scarcely intended to go forth as even dicta.

## Correspondence.

## DESCENT AMONG COPARCENERS.

TO THE EDITOR OF "THE JURIST."

SIR,—I have read the two articles on this subject which recently appeared in *THE JURIST*, with equal astonishment, and am still at a loss to decide whether J. W.'s conclusion, or J. C. C.'s argument against it, be most worthy of admiration.

When J. W. expounds the rules of the common law, and their application to particular cases, no one can desire a sounder or more perspicuous guide; but when he misapplies his common-law deductions to the entirely new circumstances created by an act of Parliament, one is tempted to exclaim—

"Ah me! what eyes hath *Coke* put in thy head,  
That have no correspondence with true sight!  
Or if they have, where is thy judgment fled,  
That falsely censures what they see aright?"

J. W. may have proved, for aught I know, that at the common law an estate could not have been subdivided by the effect of successive descents, in the manner which, according to a very prevalent opinion, is possible under the existing law; but he has omitted to supply one essential link to the chain of his argument, which is, the proof that the kind of successive descent which has been created in certain cases by act of Parliament could have happened under any possible circumstances at common law.

The stat. 3 & 4 Will. 4, c. 106, s. 2, enacts, "that in every case descent shall be traced from the purchaser." The question is, how does this enactment operate in the case of the death of a coparcener who has not created a new estate by purchase in her share? And, for the solution of the question, the act does not afford another explanatory word, except that, in defining the word "purchase," it speaks of "the land" as the subject of descent. It has no preamble; and all that we can gather from the interpretation clause about descent is, that it shall include the flight of an estate upwards to an ancestor, contrary, as Lord Coke suggests, to the laws of gravitation.

"In every case descent shall be traced" &c. That is to say, *whenever* the question is,—who shall inherit "land?" the descent shall be traced from the purchaser. The descent of what? Clearly of "the land" to be inherited, and of nothing more. For a reason which will appear presently, I will put the case thus: Two co-heiresses, A. and B., make partition by a conveyance of Whiteacre to the use of A., and Blackacre to the use of B.; the effect of which is, that, under the old law, each becomes seised in deed of her share in severalty, but without breaking the descent, or becoming a "purchaser" under the statute. On the death of A. without having disposed of her share, something must descend on some person or persons. What is it that descends? Under the old law, it would have been A.'s share in severalty, and under the statute it is the same. It is enacted, "that in every case descent shall be traced from the purchaser." The "case" here is as to the descent of Whiteacre. Descent of what? Of that which is to descend. Question as to the descent of Blackacre there is none, for its owner is alive, and in the actual seisin as heir. Then, can any argument be framed, that shall even appear to refute the plain conclusion, that the heir or heirs of the purchaser of Whiteacre shall inherit Whiteacre? or this deduction therefrom, that, as a daughter of the purchaser of Whiteacre survives, the issue of his deceased daughter cannot be entitled to the entirety of Whiteacre?

This being the plain and only meaning of the words employed by the Legislature, and there being no

key whatever to the intention, can it be doubted that the courts must give effect to the words accordingly, however repugnant this may be to ordinary notions? When the absurd rule of excluding the half-blood was criticised, Blackstone thought it sufficient to reply, with the most benignant serenity, that rules of inheritance are matters of merely arbitrary institution; that the descent of estates to collaterals of the whole blood, instead of to the Grand Turk, was an indulgence for which we have too much reason to be grateful, &c. If such arguments as these are sufficient to vindicate the superhuman wisdom of the common law, surely they are available on behalf of the Legislature, from which, at the present day, when it meddles with the law of property, anything short of downright unintelligible absurdity is accepted as a boon.

It having been, in substance, enacted, by words which are incapable of two constructions, that, after an entire estate has descended to the heirs of a certain person, a portion of that estate may descend to *the heirs* of the same person, it behoves J. W., before he can make use of any authority as to descent at common law, to prove that such a case of successive descent was possible before the statute. Has he done so? I am not hardy enough to dispute his authorities, as J. C. C. does, or to assert, with J. C. C., that such lawyers as Littleton and Coke were likely to forget all their learning, except so far as it might bear on the very question, for the time being, under consideration. I fully admit all that is expressed and implied by J. W.'s authorities; but I deny that they are in point.

His first case is that of an estate tail. But whenever an estate tail descends, the descent is, *per formam doni*, of the *entire land* to the heir of the donee. On every descent of an estate tail the intent of the donor is observed. But the donor's intent was never expressed with regard to the descent of a *portion* only of the land. If the enjoyment of a portion of the land according to the gift is hindered by any means, that circumstance cannot be looked at in a question arising exclusively among the issue of the donee. If a daughter has levied a fine, her issue are barred by the fine from claiming contrary to its terms; but that can give them no right to recompense from their kindred. If the share of a coparcener has passed by a feigned recovery, it is represented by the fictitious recompense in value. But, says J. W., when an estate tail descends on two daughters, A. and B., and A. dies, her share must descend to the heirs of the donee, including B. according to the opinion which he controverts, but excluding her according to his authorities. Now, I admit that he accurately lays down the rule of descent of an estate tail, after the Statute de Donis,—a rule created by the courts in consequence of that statute, and not repugnant to the very vague and inaccurate terms in which it is expressed; but I say that the case of a fee simple was entirely different, and that J. W.'s position, (echoed by J. C. C.), that, if the heir of a person had been discovered for the purposes of the descent of an estate tail, the same individual would also be heir of the same person for the purposes of the descent of an estate in fee simple, is quite erroneous. The coincidence was always accidental. He will not deny this, upon a case being put. Suppose Charles Smith, donee in tail male of Whiteacre, and purchaser in fee of Blackacre, to leave a son John and a daughter Jane by a first wife, and a son James by a second wife. John enters on both estates, and dies without issue male. James will take Whiteacre, and Jane or John's issue female, as the case may be, would, at common law, take Blackacre. Other cases might be put, as of a fee simple by descent from the mother, &c. The case which J. W.'s argument requires, of a descent at common law of a moiety of an estate in fee simple to the heir of the purchaser of the entirety, cannot be found.

Before the statute, a gift to a man and the heirs of his body was a fee simple conditional, and, so long as it was not aliened, would descend to the lineal heirs of the donee, to some extent according to the form of the gift, but subject to qualifications and exceptions, which I defy any one to reconcile and explain, on any principle which shall be consistent with the authorities. The truth is, that, in this, as on many other points, the old lawyers were far more astute, than accurate or consistent. The courts, in applying the Statute de Donis, interfered only so far as was necessary to secure the substance of the will of the donor, and "created," as Littleton says, the estate tail, with all its anomalies, rejecting *possessio fratris*, admitting curtesy and dower. These anomalies did not exist in the case of a descent in fee simple; and the rules which governed estates tail were quite peculiar, and furnished no guide to the determination of questions affecting descents in fee simple. On the contrary, so far from descents in tail and in fee simple to lineal issue being under the old law identical or similar, they were distinguished by the most striking differences. Of an estate tail there might be successive descents to the heir of the same person, which could not be of a fee simple. An estate tail descended, according to peculiar rules, to the heir of the purchaser; a fee simple descended to the heir of the person last seised: and a fee simple would not descend to any issue of the purchaser, who was not of the whole blood to the person last seised; a fee tail was subject to no such restriction. In fine, the case of an estate tail affords no parallel to the case in hand, because all the rules with respect to estates tail have for their object the fulfilment of an intention expressed with reference to one entire estate, while the enactment in question has reference to nothing but the immediate subject of descent, whenever descent happens.

J. W.'s observations on the descent of a fee simple at the common law prove merely this: that the editor of *Bythewood*, when he suggests, (vol. 1, p. 139), that, on the death of a coparcener before entry, her share would have descended under the old law as it now does under the statute, and J. C. C., who agrees with him, are both in error. But J. W. is equally in error, in supposing that there is, in the proposed case, any descent at all of the share of the deceased heiress, as such. The case is simply this: On the death of the person seised, the right to the inheritance descends on the heir, and if such heir enter, his title is perfected; but, in the meantime, he has nothing but an inchoate right, which is assets, indeed, for some purposes, (3 Vin. Abr. "Assets," A. 3), and liable to dower, (instances of the law's tenderness to creditors and widows, by prolonging in their persons, in a qualified way, the life and identity of the deceased heir), but which right, on the death of the heir without entry, is at an end; so that, until the heir for the time being enters, there is no complete descent. The inheritance remains vacant until entry, and, from the death of the person last seised to the entry of his heir, there is but one descent; and the case is the same under the statute. If the deceased owner has left two daughters, A. and B., until one of them enters, (for the benefit of both\*), the inheritance is vacant; and, on A.'s death leaving a son, such son has an inchoate title to a moiety, not because he is heir to his mother, and as on a new descent, but because there is a descent from his grandfather, which has not yet been perfected by entry. For the purpose of designating the heir, then, (and independently of the rights of dowresses, creditors, &c.,

anomalies tolerated on grounds of policy or justice), there was, at the common law, in each of the cases put by J. W., and is still, but one single descent, perfected by the first entry of the coparcener or her representative, and not, as he would have us believe, successive descents, such as the recent statute has introduced in cases where the deceased has acquired seisin; for it is to be observed, that the construction of the statute which I am advocating makes no change, except where the deceased coparcener had acquired seisin, so as to create a new descent, the statute not creating several descents where there was formerly only one, but merely introducing a new rule for ascertaining the heir in certain cases.

J. W. notices, as an objection to the proposed interpretation, the anomalous consequence, that the husband of the deceased coparcener would be tenant by the curtesy of a larger share than would descend to her son. But the question is not what share her son would take, but what share her heir would take. But his favourite common law did allow of a similar anomaly to that which he unjustly charges on the new law: a widow is endowed of one-third of the inheritance; but, if an heir died before seisin, and his widow claimed her dower, his heir, by the retrospective effect of the widow's seisin, became entitled to one-third of the estate, subject to the widow's life estate in the entire share thus inherited.

I will conclude with one word on J. W.'s difficulties as to curtesy. It seems to me that he entirely mistakes the operation of the enactment. What shall be a descent, and from whom an estate shall descend, are questions which the act leaves untouched. On the death of the purchaser's daughter after entry, her son and his aunts take by descent from the daughter, and as her heir: the act has performed its office when it has furnished the rule for ascertaining these persons. If this were not so, the deceased daughter's share would not be assets for payment of her debts. So, under the old law, you traced your descent through (and, therefore, from) a common ancestor, but you did not inherit as his heir. The old rules as to curtesy, therefore, remain unaltered, and even the requisite of seisin seems to be as essential as formerly. Any argument founded on the irrationality of requiring seisin might, indeed, be answered by reference to the case of an estate tail, to which, as J. W. has shewn, the commonly-assigned ground for requiring actual seisin does not apply. But, however this may be, the fact is, that the statute has made no change; for, in the case of the death of an heiress coverte before entry, there was (as we have seen) no fresh descent; it was the old descent from her ancestor which remained open; and, as the statute does not make a descent where there was none before, it is to that old descent alone that the statute applies. The unexpected result is, that, in every case where a coparcener has died, the inquiry as to whether she was actually seised or not is as important now as it was (under different circumstances) at the common law, although the principal object of the enactment was to render the question of seisin immaterial in every case.

G. S.

**MASTERS IN CHANCERY.**—The Lord Chancellor has appointed the following gentlemen Masters Extraordinary in the high Court of Chancery:—Octavius Green, of Cambridge; Montague George Smith, of Hemel Hempstead, Hertfordshire.

**POOR LAW COMMISSIONERS.**—The following gentlemen have been appointed Assistant Poor Law Commissioners:—John Thomas Graves, Esq., of the Inner Temple; and John Ball, Stephen's Green, Dublin, for a period of six months from the 2nd April. The last-mentioned gentleman has likewise been directed to carry into effect the provisions of the "Act for the more effectual Relief of the destitute Poor in Ireland."

\* The enactment of the Statute of Limitations, 3 & 4 Will. 4, c. 27, "that the possession of one coparcener shall not be the possession of the other," has been cited, as if it bore upon questions of descent. It is scarcely necessary to observe, that the enactment meant only possession for the purposes of that act.

## Court Papers.

## COMMON-LAW CAUSE LISTS, EASTER TERM.

## Court of Queen's Bench.

## NEW TRIALS

REMAINING UNDETERMINED AT THE END OF THE SITTINGS AFTER HILARY TERM, 1846.

## MICHAELMAS TERM, 1844.

Glamorgan—Burgess v. Taff  
Vale Railway Co.  
Lond.—Lowe v. Penn

## EASTER TERM, 1845.

Midd.—Reg. v. Pelham  
Surrey—Dobson v. Blackmore  
" Girdlestone v.  
" M'Gowan  
Bucks—Rowles v. Senior  
Camb.—Layton v. Hurry  
Chester—Stewart v. Wilkinson  
Wilts—Lee v. Merrett  
Devon—Doe d. E. of Egremont v. Courtenay  
" Doe d. Dayman v. Moore  
" Wood v. Hewitt  
" Barratt v. Oliver  
" Doe d. Molesworth v. Sleeman  
" Tanner v. Moore  
Somer.—Lambert v. Lyddon  
Northum.—Bolam v. Shaw  
" Davidson v. Reed  
Durham—Ray v. Thompson  
" Reg. v. Gt. North of England Railway Co.  
" Hansell v. Hutton  
York—Doe d. Ld. Downe v. Thompson  
" Ld. Visct. Downe v. Same  
" Phillips v. Broadley  
" Petch v. Lyon  
" Brown v. Ayre  
" Wilson v. Nightingale  
" James v. Brook  
Lincoln—Saffery v. Wray  
Leicester—Hassell v. Hemming  
" Doe d. Bowley v. Barnes  
Warwick—Blakeley v. Smallwood  
Stafford—Inskip v. Harper  
Salop—Stokes v. Boycott  
Monmouth—Prickett v. Gatrex  
" Williams v. Steven  
Glo'ster—Clutterbuck v. Hulls  
Glamorgan—Doe d. Simpson v. John

*Tried during Easter Term, 1845.*

Midd.—Hopkins v. Richardson

## TRINITY TERM, 1845.

Midd.—Rich v. Dix  
" Curling v. Shepherd  
Lond.—Sberingham v. Collins  
" Day v. Edwards  
" Sedgwick v. Hammon

*Tried during Trinity Term, 1845.*

Midd.—Paul v. Simpson  
" Mitchell v. King

## MICHAELMAS TERM, 1845.

Midd.—Wimberley v. Hunt  
" Baker v. Drew  
" Reg. v. Thornton  
" Reg. v. Gompertz  
" Gibbons v. Hunter  
" Goode v. Cochrane  
" Ford v. Beech  
" Jacobs v. Dawes  
Lond.—Buisson v. Staunton  
" Browne v. Harnor  
" Welsh & an. v. Reed  
" Murrieta v. Oldfield  
" Nicoll v. Gillan  
Stafford—Sherratt v. Christie  
" Biddlestone v. Burdett  
Essex—Rogers v. Kennay  
" Doe d. Goody v. Carter  
Surrey—Gillett v. Bullivant  
" Youell v. Croes  
" Aroher v. Smyth  
" Doe d. Pennington v. Barrell

Northamp.—Sutton v. Maquire  
Cardiff—Taylor v. Clay & an.  
" Doe d. Lord v. Kingsbury  
Carmarth—Protheroe v. Jones  
" Chambers v. Thomas  
" Same v. Same  
" Same v. Same  
Cardigan—Doe d. Jenkins v. Davies

Brecon—Maybery v. Mansfield  
York—Smith v. Smith  
" Marshall v. Powell  
" Spence v. Meynell  
" Doe d. Norton v. Norton

" Bainbridge v. Bourne  
" Wilkinson v. Haygarth  
" Same v. Same  
" Bainbridge v. Lax

Durham—Smith v. Hopper  
" Reed v. Same  
" Hinde v. Raine  
Devon—Doe d. Earl of Egremont v. Sydenham  
" Mayor of Exeter v. Harvey & an.

" Damerell v. Protheroe  
" Schank v. Sweetland  
Cornwall—Marshall v. Hicks  
Somerset—Doe d. Earl of Egremont v. Williams

Bristol—Addison v. Gibson

## HILARY TERM, 1846.

Midd.—Page v. Hatchett  
" Hunter v. Caldwell  
" Doe d. Tebbutt & ors. v. Brent & ors.  
Lond.—Whyte v. Burnby  
" Bond & an. v. Nurse  
" Turner v. Ambler

*Tried during Hilary Term, 1846.*

Midd.—Lovelock v. Franklyn

## STANDING FOR JUDGMENT.

Willoughby v. Willoughby  
Brooks v. Bockett  
Same v. Same  
Holford v. Bailey  
Belcher v. Gummow  
Rogers v. Brenton  
Gillett v. Whitmarsh  
Doe d. Earl of Egremont v. Langdon  
Maugrove v. Emerson

## SPECIAL CASES AND DEMURRERS

FOR EASTER TERM, 1846.

Those marked thus \* are Special cases—the rest are demurrers.

## FOR ARGUMENT.

\*Oliverson & an. v. Brightman  
\*Bold & an. v. Rotherham  
Scott v. Hartley  
\*Dale v. Pollard  
Pollitt v. Forest & ors. (E)  
Stephenson v. Newman  
Barber & ors. v. Butcher  
Swallow v. Ridgway  
Churley v. Boycott  
\*Scadding v. Lorient  
Vine & an. v. Bird  
Rigby v. Weymouth  
Vine & an. v. Bird  
Higgins v. Thomas  
Garrett v. Dryden  
Taylor v. Brook  
Giles v. Giles  
Gatty v. Field  
Wintle v. Graves  
Rogers v. Grazebrook  
Delby v. Rimington  
\*Pennell & ors. v. Rhodes  
Springett v. Morrell  
\*Robinson v. Hawksford  
\*Flanders v. Bunbury  
Sharp v. Watts  
Whitaker v. Richards  
Frost v. Lloyd

Cooker v. Maugrove  
May & Wife v. Bardett  
Bodmer v. Butterworth  
Doe d. Reg. v. Archbishop of York  
Hope v. Harman  
Solomon v. Lawson  
Alfred v. Farlow  
Griffith v. Lewis  
Reg. v. Douglas  
Reg. v. Corporation of Manchester

Cook v. M'Pherson (E)  
Wilkinson v. Gaston  
\*Westley v. Krombein & ors.  
Chamberlain v. Hammond  
Scadding v. Eyles  
Knight & ors. v. Gaunt  
Chamberlain v. Hammond  
Lawton v. Hickman  
Day v. Harrington  
Sharpe v. Bluck, Clerk  
Huntley v. Russell  
Mitchell v. Johnson  
Bryant & an. v. Holmes  
Nind v. Parry  
Ranger v. Parry  
Loomis v. Oldfield  
Herbert v. Booth & ors.  
Mortimer v. Moore (for leave to amend)

## STANDING FOR JUDGMENT.

Perry v. Fitz Howe  
Nicholas v. Stretton  
Wright v. Greenacre  
Gosling v. Veley & an.  
Wakefield & an. v. Brown  
Barley v. Walford  
Harold v. Whitaker

## ENLARGED RULES

FOR EASTER TERM, 1846.

Those marked thus \* are to be heard in the Ball Court.

## First Day.

Paxton v. Gt. North of England Railway Co.  
Same v. Same  
\*Bottomley v. Buckley  
Davis v. Vernon  
Burton v. Yardley  
\*Griffiths v. Thomas & an.  
Wood v. Earl of Portarlington  
\*Doe d. Haxby v. Preston  
Reg. v. Hall (part heard)  
Reg. v. Slyman  
Reg. v. The Council of the Birmingham  
Reg. v. Pemberton  
Reg. v. The Lords of the Treasury  
Reg. v. Sharp

## Second Day.

\*Crofts v. Osborn  
In re Whall  
The St. Katherine Dock Co. v. Higgs  
Cobb v. Saville  
Raworth v. King  
\*Colman v. Holmes  
\*Wall v. Pickernall  
\*Alexander v. Williams

\*Reg. v. Eaton & an.  
\*Reg. v. The Justices of Devon  
\*Reg. v. The Recorder of King's Lynn  
Reg. v. Bluck, Clerk  
\*Reg. v. The Justices of Middlesex  
Reg. v. The Council of the Borough of Warwick

## Third Day.

Wright v. Chatteris  
Same v. Same  
\*Miles v. Williams  
\*In re Knipe  
In re Cotes  
\*Doe d. Bellamy v. Partridge  
\*Soden v. Percy  
\*Reg. v. The Inhabitants of Leeds  
\*Reg. v. Same  
Reg. v. The Dean and Chapter of Chester  
Reg. v. The Collector of Customs at Liverpool

## Fourth Day.

\*In re Ford  
\*In re Long

## CROWN PAPER, EASTER TERM, 1846.

For Wednesday, April 22.

Essex.....	Reg. v. H. J. Conyers (part heard).
London.....	William Jones.
Kent.....	Mayor of Sandwich.
Saxe.....	George Buchanan.
Middlesex.....	Inhabitants of Mile End, Old Town.
Shropshire.....	Inhabitants of Gourtom.
Corwall.....	Inhabitants of St. Gennys.
Yorkshire.....	Jos. Foster.
Devonshire.....	Inhabitants of Bickington.
Saxe.....	Inhabitants of Ashburton.
Middlesex.....	William Bond.
Wiltshire.....	Inhabitants of Bradford.
Surrey.....	Thomas Paynter.
Kent.....	Mayor of Dover.
Yorkshire.....	Inhabitants of Keighley.
Ely.....	Inhabitants of Chatham, Kent.
Yorkshire.....	Inhabitants of Northowram.
Devonshire.....	Inhabitants of Newton Ferrars.
Surrey.....	Churchwardens of St. Mary, Lambeth.
Leicestershire.....	Inhabitants of Radcliffe Culey.
Lincolnshire.....	Trustees of the River Welland.
Huntingdonsch.....	Inhabitants of Molesworth.
Devonshire.....	Inhabitants of Holne.
Essex.....	Inhabitants of Saffron Walden.
Backinghamsh.....	Churchwardens of Aylesbury with Salton.
Middlesex.....	Inhabitants of St. Giles in the Fields.
Surrey.....	Thomas Pocock.
Saxe.....	Inhabitants of St. Clement's Dances.
Staffordshire.....	Thomas Pratt.
Northumberland.....	Newcastle and Carlisle Railway Co.
Middlesex.....	Inhabitants of St. Ann, Westminster.
Worcestershire.....	Birmingham & Gloucester Railw. Co.
Devonshire.....	James Griffin.
New Sarum.....	Inhabitants of St. Martin.
Middlesex.....	A. R. Hamilton v. Reg. (in error).
Middlesex.....	Reg. v. London, Westminster, and Vauxhall Iron Steamboat Co.
Northumberland.....	Inhabitants of Walbottell.
Middlesex.....	Inhabitants of Watford, Herts.
Backinghamsh.....	Inhabitants of Little Marlow.
Surrey.....	Inhabitants of Crondall, Hants.
Corwall.....	Inhabitants of Mylor.
England.....	Commissioners of Stamps and Taxes.
Middlesex.....	Inhabitants of St. Paul, Covent Garden.
London.....	Charles Wright v. Reg. (in error).

## Court of Common Pleas.

## NEW TRIALS.

MICH. TERM, 1845.	Giraud v. Richmond
Holden v. Liverpool New Gas and Coke Company	Hunter v. Clarke
Doe d. Atkinson v. Fawcett	Walker v. Remmett
Price v. James	Pott v. Eyton
Souch v. Strawbridge	Ross v. Hill
HILARY TERM, 1846.	Warne v. Bromley
Nash v. Kemshead	Forasith v. Allan
	Roberts v. Gruncheon
	Bennett v. Deacon

## ENLARGED RULES.

To 6th Day.	To 10th Day.
Zelnets v. Miller	Tolson v. The Bishop of Carlisle
Keys v. Irvine	Tomlinson v. Boughy
Bentley v. Carver	

## DEMURRER PAPER.

Wednesday, April 22.	Beard v. Egerton
Gordon v. Ellis	Cundell v. Dawson
Wright v. Burroughes	Cooper v. Shepherd
Powles v. Page	Brown v. Gill
Gibbs v. Flight	Pryce v. Belcher
White v. Hancock	Benham v. Earl of Mornington
	Easton v. Esquire

Smith v. Shirley  
Guyard v. Sutton  
Turner v. Browne  
Tinniswood v. Pattison  
Buckwell v. Morris  
Carr v. Maude

Friday, April 24.

Dormay v. Borradaile  
Fitzgerald v. Lane  
Coates v. Jones  
Reynolds v. Fenton  
Mosses v. Reynolds

The other Argument Days are Wednesday, the 29th of April, and Friday, the 1st of May.

## CUR. ADV. VULT.

Patteson v. Holland  
Doe d. Woodall v. Woodall  
Benson v. Chapman  
Wills, app., Adey, resp.

## Court of Exchequer.

## NEW TRIAL PAPER FOR EASTER TERM, 1846.

FOR JUDGMENT.	Moved Hilary Term, 1846.
Moved Mich. Term, 1845.	Midd.—Thornett v. Haines
Bristol—Kynaston & an. v. Wilkinson & an.	Beeton v. Tims
FOR ARGUMENT.	„ Castleman v. Capper
Moved Mich. Term, 1845.	„ Lambert v. Heath
Midd.—Bunnett v. Smith	„ Bold v. Wainwright
Angleses—Hughes v. Buckland	„ Ackerman v. Ehrenperger
Northum.—Knight v. Marq. of Waterford	Moved Mich. Term, 1843.
Stafford—Aston v. Perkes	Staff.—Foley v. Botfield
Moved Easter Term, 1844.	Moved after the 4th day of Hilary Term, 1846.
Liverp.—Rodgers v. Maw	Midd.—Masters v. Abithol

## SPECIAL PAPER.

FOR JUDGMENT.	FOR ARGUMENT.
Duncan v. Benson—D.	Offor v. Windsor—D.
(Heard 2nd June, 1845).	(To stand over at the request of parties until sp. case settled)
Doe d. Haw v. Earles—Sp. C.	Dean and Chapter of Ely v. Cash (special case by order of Lord Chancellor)
(Heard 21st Jan. 1846).	Trail v. Bonney (special case by order of Alderson, B.)
Doe d. Lloyd v. Ingleby—S. C.	
(Heard 21st Jan. 1846).	
Cooke v. Turner—D.	
(Heard 13th Feb. 1846).	

## PEREMPTORY PAPER.

To be called on the first Day of Term after the Motions, and to be proceeded with the next Day, if necessary, before Motions.

Benn v. Stockdale	Way v. Smith
Stockdale v. Benn	Bend v. Hill
Beynon v. Jones	Doe d. Lloyd v. Roe
Mummery v. Paul	Bevington v. Griffith

## COMMON-LAW SITTINGS, IN AND AFTER EASTER TERM, 1846.

## Court of Queen's Bench.

## MIDDLESEX—In Term.

1st sitting .. Thursday, Apr. 16, and two following days, at 11.  
2nd ditto .. Monday, „ 20, and subsequent days, at 11.  
3rd ditto .. Wednesday, May 6, at half-past 9 precisely, (for undefended causes only).

A list of such remanets as appear fit to be tried in term will be printed immediately, but on the statement of either side that a cause is too long to be tried in term, it will be withdrawn from such list, provided the other side have two days' notice of the application at the Marshal's to postpone, and do not oppose the application on good grounds. The usual number of completed and new causes will be put into the list day by day in their usual order.

After Term.—Saturday, May 9, for common juries only, until Wednesday, May 13, inclusive.

## LONDON.—In Term.

Sitting at 12, on Thursday, May 7, for undefended causes, and such as the judge considers fit to be taken.

After Term.—Monday, May 11, to adjourn to Thursday, May 14, adjournment days for common juries only, until Friday the 15th inclusive.

## Court of Common Pleas.

In Term.

MIDDLESEX.	LONDON.
Wednesday ..... April 22	Friday ..... April 24
Wednesday ..... 29	Friday ..... May 1

After Term.

Saturday ..... May 9 | Monday ..... May 11

The court will sit at ten o'clock in the forenoon on each of the days in term, and at half-past nine precisely on each of the days after term.

The causes in the list for each of the above sitting days in term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.

On Monday, the 11th May, in London, no causes will be tried, but the court will adjourn to a future day.

## Sychequer of Pleas.

In Term.

MIDDLESEX.	LONDON.
1st sitting, Friday .. April 17	1st sitting, Wednes., April 22
2nd sitting, Friday ..... 24	2nd sitting, Thursday .... 30
3rd sitting, Monday .. May 4	By adjournment, if necessary, Friday ..... May 1

After Term.

Saturday ..... May 9 | Monday ..... May 11  
(To adjourn only).

The court will sit in Middlesex, at Nisi Prius, in term, by adjournment, from day to day, until the causes entered for the respective Middlesex Sittings are disposed of.

The court will sit, during and after term, at ten o'clock.

## London Gazettes.

TUESDAY, APRIL 7.

### BANKRUPTS.

**RICHARD GATEHOUSE, RICHARD DARCH, and GASTRILL WILKINS**, Upper Lisson-street, Middlesex, timber merchants, dealers and chapmen, April 17 and May 19 at 12, Court of Bankruptcy, London: Off. Ass. Alsager; Sol. Lambert, Raymond-buildings, Gray's Inn.—Fiat dated March 31.

**ROBERT MOIR**, West Cowes, Isle of Wight, Southampton, stationer and jeweller, dealer and chapman, April 17 and May 22 at 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Woollen, Bucklersbury.—Fiat dated March 28.

**GEORGE FELTHOUSE**, Dorcas-terrace, Fulham, Middlesex, plumber and glazier, dealer and chapman, April 17 at half-past 12, and May 19 at 1, Court of Bankruptcy, London: Off. Ass. Alsager; Sols. Watson & Son, Bouverie-street, Fleet-street, and Hammersmith.—Fiat dated March 18.

**RICHARD ARSCOTT**, Kingland-road, Middlesex, grocer, dealer and chapman, April 22 at half-past 1, and May 19 at half-past 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Simpson & Cobb, Moorgate-street.—Fiat dated April 1.

**JOHN BARWISE**, St. Martin's-lane, Middlesex, watch maker, April 21 at 12, and May 19 at 2, Court of Bankruptcy, London: Off. Ass. Groom; Sol. Lutty, Dyers'-hall, College-st., Dowgate-hill, City.—Fiat dated April 1.

**JAMES HARE**, New-street, Dorset-sq., Middlesex, linen draper, dealer and chapman, April 13 at half-past 1, and May 18 at half-past 12, Court of Bankruptcy, London: Off. Ass. Turquand; Sols. Hardwick & Co., Weavers'-hall.—Fiat dated March 31.

**JOSEPH QUARTON**, Stamford-bridge, Yorkshire, grocer, dealer and chapman, April 20 and May 7 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Kynaston; Sols. Wood, York; Sykes, Leeds; Jaques & Co., Ely-place, London.—Fiat dated March 27.

**WILLIAM TWEDDLE**, Liverpool, soap manufacturer, dealer and chapman, April 21 at 11, and May 12 at 2, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sols. Pemberton, Liverpool; Cornthwaite & Co., Old Jewry-chambers, London.—Fiat dated May 24.

**BENJAMIN REBBECK**, Dog-row, Cambridge-heath-road, and Rose-place, Globe-road, Mile-end-road, Middlesex, oil and colour man, dealer and chapman, April 13 at half-past 12, and May 18 at half-past 11, Court of Bankruptcy, London: Off. Ass. Turquand; Sol. Goren, South Molten-street.—Fiat dated March 31.

**JAMES SHEPHERD GREGSON**, Manchester, grocer, dealer and chapman, April 18 and May 8 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Hampson & Son, Manchester; Gregory & Co., Bedford-row, London.—Fiat dated April 1.

**JOHN BIRD**, Durham, out of business, April 20 at half-past 10, and May 25 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sol. Brignall, Durham; Hartley, Southampton-st., Bloomsbury, London.—Fiat dated March 28.

**WILLIAM GRAY**, Salford, Lancashire, common brewer, dealer and chapman, (carrying on business in the name of William Gray & Co.), April 18 and May 8 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Ryalls, Sheffield; Gleadall, Manchester; Moss, Serjeants' Inn, Fleet-street.—Fiat dated March 26.

### MEETINGS.

*Dev. Clark*, New Broad-st., London, merchant, April 29 at 1, Court of Bankruptcy, London, pr. d.—*Mary Butterfield and Thos. A. Butterfield*, Royston, Hertfordshire, linen drapers, April 28 at 12, Court of Bankruptcy, London, pr. d.—*John C. Chambers*, Ipsley, Warwickshire, needle manufacturer, May 4 at 11, District Court of Bankruptcy, Birmingham, last ex.—*Wm. Grossenor*, Shelton and Hanley, Stoke-upon-Trent, Staffordshire, iron founder, May 30 at 11, District Court of Bankruptcy, Birmingham, last ex.—*John H. Banks*, Great Newport-st., Middlesex, engraver, April 29 at 11, Court of Bankruptcy, London, aud. ac.—*Geo. E. Neale*, Portsea, Hampshire, innkeeper, April 29 at 11, Court of Bankruptcy, London, aud. ac.—*Hon. Fran. Hen. Needham*, New Bond-st. and Fairfield-lodge, Addison-road, Kensington, Middlesex, dressing-case maker, April 29 at 11, Court of Bankruptcy, London, aud. ac.—*Chas. O. Robson*, Finsbury-street, Finsbury-square, Middlesex, plasterer, April 30 at 12, Court of Bankruptcy, London, aud. ac.—*Thos. Dean*, Chancery-street, Tottenham-court-road, Middlesex, victualler, April 29 at half-past 1, Court of Bankruptcy, London, aud. ac. and div.—*Benj. Thompson*, Aldeburgh, Suffolk, innkeeper, April 29 at 1, Court of Bankruptcy, London, aud. ac. and div.—*Edw. Clayton*, Edgeware-road, Middlesex, licensed victualler, April 29 at 11, Court of Bankruptcy, London, aud. ac. and div.—*John Reay and John Rob. Reay*, Mark-lane, London, wine merchants, April 18 at 11, Court of Bankruptcy, London, aud. ac.—*Sam. Pursell*, Strand, Middlesex, ironmonger, April 29 at 12, Court of Bankruptcy, London, aud. ac.—*Alexander Inghis*, Portsea, Southampton, draper, April 30 at 11, Court of Bankruptcy, London, aud. ac.—*William Tomlinson* the younger, Nantwich, Cheshire, money scrivener, April 28 at 12, District Court of Bankruptcy, Liverpool, aud. ac.—*Wm. Slater*, Marton, Whitegate, Cheshire, banker, April 28 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*John Ogle*, Esq., Pickwick, Wiltshire, and *Wm. Walton*, Liverpool, merchant, April 28 at 11, District Court of Bankruptcy, Liverpool, aud. ac. joint est.; at 12, aud. ac. sep. est. *J. Ogle*.—*G. F. Fairclough*, Liverpool, money scrivener, April 28 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*J. Melhuish*, Exeter, innkeeper, April 29 at 11, District Court of Bankruptcy, Exeter, aud. ac.—*Andrew Allen* and *Wm. Allen*, South Shields, Durham, drapers, April 28 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac. sep. est. *Andrew Allen*.—*Bertholomew Dowell*, Bishop Wearmouth, Durham, builder, April 28 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*Jacob Banks*, Keswick, Cumberland, black lead pencil manufacturer, April 29 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*George Wilkinson* and *Joseph Wilkinson*, Bishop Auckland, Durham, carriers, April 28 at half-past 1, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*John Todd*, Hylton Ferry, Durham, ship builder, April 28 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; April 30 at half-past 1, div.—*James Harrington* and *Wm. Pattinson*, St. Cathbert, Cumberland, calico printers, April 28 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*Wm.*



*Brown*, Atherstone, Warwickshire, ironmonger, April 30 at 11, District Court of Bankruptcy, Birmingham, and. ac.; May 2 at 11, div.—*Wm. Harrison*, *Wm. Gorst*, *Wm. Harrison*, *Saml. Cooke*, and *John Fairweather Harrison*, Tower-street, London, merchants, April 28 at 1, Court of Bankruptcy, London, div. sep. est. *J. F. Harrison*.—*Walter Spiers*, North Audley-street, Oxford-street, Middlesex, printer, April 30 at 11, Court of Bankruptcy, London, div.—*G. Goddard*, Leicester, tea dealer, April 30 at 11, Court of Bankruptcy, London, div.—*Alex. Winton*, *David Winton*, and *James Walker*, Wood-street, Cheapside, London, warehousemen, April 30 at 12, Court of Bankruptcy, London, div. sep. est. *J. Webber*.—*C. O'Neil*, Newman-st., Oxford-st., Middlesex, picture dealer, *Robert Salkeld*, Fontmell Magna, Dorsetshire, clerk, and *George S. Digby*, Esq., Bishop's Caudle, Dorsetshire, ship owner, April 30 at 11, Court of Bankruptcy, London, div.—*Mary Guy* and *Henry Smith*, Farringdon-street and Ladgate-hill, London, linen drapers, April 29 at 11, Court of Bankruptcy, London, div.—*Benjamin Wade*, Strand, Middlesex, tailor, April 29 at 11, Court of Bankruptcy, London, div.—*George Watt*, Old Jewry, London, linen factor, April 29 at half-past 11, Court of Bankruptcy, London, div.—*W. P. Key* and *E. N. Kendall*, Bedford-street, Commercial-road, Stepney, Middlesex, brewers, May 1 at 12, Court of Bankruptcy, London, div. sep. est. *E. N. Kendall*.—*G. C. Bridge*, Maldon, Essex, grocer, May 1 at 11, Court of Bankruptcy, London, div.—*Robert Marshall*, Pleasant-row, High-street, and Upper-road, Deptford, Kent, stonemason, May 1 at 11, Court of Bankruptcy, London, div.—*Michael Jones*, Theobald's-road, Middlesex, grocer, May 6 at 1, Court of Bankruptcy, London, div.—*James Melhuish*, Exeter, innkeeper, April 30 at 1, District Court of Bankruptcy, Exeter, div.—*Henry Gardner*, Liverpool, merchant, April 28 at 12, District Court of Bankruptcy, Liverpool, div.—*T. Turner*, *Deniel Brade*, and *Charles Schwind*, Liverpool, merchants, April 28 at 11, District Court of Bankruptcy, Liverpool, div.—*Wm. Lar Brown*, Liverpool, merchant, April 28 at 12, District Court of Bankruptcy, Liverpool, div.—*Chas. Williams*, Sunderland, Durham, carrier, April 30 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, div.—*William Thompson* and *James Mellis*, Newcastle-upon-Tyne, and *Buenos Ayres* and *Monte Video*, South America, merchants, April 30 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, div.—*Lazenby Pearson*, Newcastle-upon-Tyne, carrier, April 29 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, div.—*Wm. Riddle*, Lane-end, Staffordshire, draper, May 12 at 11, District Court of Bankruptcy, Birmingham, fin. div.—*R. W. Fletcher*, *Joseph Fletcher*, and *John Fletcher*, Walsall, Staffordshire, merchants, May 5 at 11, District Court of Bankruptcy, Birmingham, fin. div.

## CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Rob. G. Fox*, Canterbury, wine merchant, April 28 at 1, Court of Bankruptcy, London.—*J. C. Edwards*, Conduit-st., St. George's, Hanover-square, Middlesex, bill broker, May 1 at 1, Court of Bankruptcy, London.—*Walter Spiers*, North Audley-street, Oxford-street, Middlesex, printer, April 30 at half-past 11, Court of Bankruptcy, London.—*T. Wilkinson*, Quadrant, Regent-street, and Bathurst-street, Sussex-square, Middlesex, ironmonger, April 30 at half-past 1, Court of Bankruptcy, London.—*Francis Glass*, Basinghall-street, London, woollen factor, April 30 at 1, Court of Bankruptcy, London.—*W. Harding* the elder, Johnson-street and Vincent-square, Westminster, and West-wharf, Millbank, Middlesex, mason, April 29 at 2, Court of Bankruptcy, London.—*J. Hutchison*, Elland, Halifax, Yorkshire, machine maker, April 28 at 11, District Court of Bankruptcy, Leeds.—*Wm. Fordyce*, Newcastle-upon-Tyne, bookseller, April 28 at half-past 10, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Jonathan Bowman*, Carlisle, Cumberland, woollen draper, April 29 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Geo. C. Nicholls*, Upton, Cheshire, commission merchant, April 30 at 11, District Court of Bankruptcy, Liverpool.—*Thomas B. Duff*, Birmingham, button maker, April 29 at 12, District Court of Bankruptcy, Birmingham.—*George Middleton*, Nottingham, wine merchant, May 5 at 11, District Court of Bankruptcy, Birmingham.—*John Wilkinson*, Haslingden, Lancashire, joiner, April 30 at 1, District Court of Bankruptcy, Manchester.—*Henry J. Barker*, Flixton, Lan-

cashire, logwood and drug grinder, May 1 at 12, District Court of Bankruptcy, Manchester.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before April 28.*

*T. Carey Willard Pierce*, Manchester, merchant.—*Gileon Homan*, Manchester, merchant.—*Thomas Nash* the younger, Stourbridge, Worcestershire, builder.—*Joe. Cleary*, Church-road, De Beauvoir-square, Middlesex, builder.—*Ed. Shooter*, Bristol, builder.—*Alex. Macdonald*, Leadenhall-street, London, merchant.—*Hugh Hughes*, Deansgate, Manchester, linen draper.

## FIAT ANNULLED.

*Wm. Edw. Burman*, High-street, Whitechapel, Middlesex, hat and shoe dealer.

## SCOTCH SEQUESTRATIONS.

*John Mackenzie*, Inverness, house carpenter.—*W. Anderson* and *Alex. Drummond*, Glasgow, accountants.—*J. Strong*, Glasgow, merchant.—*John Dunn* and *John Wilson*, Glasgow, stock brokers.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*John Simpson*, Carlisle-street, St. Ann, Soho, Middlesex, artist, April 16 at 11, Court of Bankruptcy, London.—*Thos. Shaw*, Hutchinson-street, Hutchinson's-market, Houndsditch, London, servant to a dairyman, April 16 at 11, Court of Bankruptcy, London.—*Fred. Theophilus Webster*, Plymton, Devonshire, straw hat manufacturer, April 16 at 11, Court of Bankruptcy, London.—*Mary Ferris*, Rye-lane, Peckham, Surrey, widow, carman, April 16 at 11, Court of Bankruptcy, London.—*Edmund Fred. Bell*, Fletton, Huntingdon, clerk in the service of the London and Birmingham Railway Company, April 17 at half-past 11, Court of Bankruptcy, London.—*Ed. Davis*, Bridport-street, Dorset-square, Middlesex, tailor, April 16 at 12, Court of Bankruptcy, London.—*T. Mason*, New-yard, Broadway, Westminster, Middlesex, coach smith, April 16 at 11, Court of Bankruptcy, London.—*Richard Chubb*, Lifton, Devonshire, out of business, April 15 at 11, District Court of Bankruptcy, Exeter.—*James Stoddard*, Longton, Staffordshire, out of business, April 25 at half-past 10, District Court of Bankruptcy, Birmingham.—*Donald M'Donald*, Tiverton, Devonshire, surgeon, April 15 at 11, District Court of Bankruptcy, Exeter.—*Saml. Shipston Skinner*, Honiton, Devonshire, cattle dealer, April 15 at 11, District Court of Bankruptcy, Exeter.—*G. Purdy*, Burnantofts, Leeds, Yorkshire, bricklayer, April 17 at 11, District Court of Bankruptcy, Leeds.—*Wm. Sellers*, Oldham, Lancashire, licensed hawkers, April 16 at 12, District Court of Bankruptcy, Manchester.—*Henry Hole*, St. Peter and Paul, Bath, Somersetshire, tailor, April 27 at 11, District Court of Bankruptcy, Bristol.—*Wm. Short*, Walcot, Somersetshire, butcher, April 17 at 12, District Court of Bankruptcy, Bristol.—*W. Walker*, Liverpool, car proprietor, April 24 at 12, District Court of Bankruptcy, Liverpool.—*Isaac Withers*, Staverton, Gloucestershire, cider dealer, April 21 at 11, District Court of Bankruptcy, Bristol.—*John Jones*, St. Philip and Jacob, Bristol, stone mason, April 23 at half-past 11, District Court of Bankruptcy, Bristol.—*Thomas Lewis*, Walcot, Bath, Somersetshire, farmer, April 23 at 11, District Court of Bankruptcy, Bristol.—*Michael Ryan*, Bury, Lancashire, surgeon, April 20 at 1, District Court of Bankruptcy, Manchester.

## Saturday, April 4.

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*The Hon. George Wm. Loftus*, Windsor, Berkshire, not in any trade, No. 53,844 T.; *John Procter* and *William Beverley*, assignees.—*Ch. Thos. Board*, Sparrow-corner, Minorities, London, out of business, No. 58,044 T.; *Thomas Palmer*, assignee.—*William Symonds*, Phillack, Cornwall, farmer, No. 66,849 C.; *Richard Nicholls* the younger, assignee.—*William Brown*, King-street, New-town, Deptford, Kent, travelling tea dealer, No. 67,286 C.; *William M'Naught*, assignee.—*T. Henly*, Jamaica-street, Commercial-road, Middlesex, master mariner, No. 58,045 T.; *William Cooper*, assignee.

*Saturday, April 4.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Edw. Napoleon Wilde*, Bramerton, near Norwich, Norfolk, master mariner: in the Queen's Prison.—*J. Binger*, Addington-cottage, Addington-street, York-road, Lambeth, Surrey, out of business: in the Gaol of Surrey.—*Thomas Backhouse*, Clifford's-inn-passage, Fleet-street, London, out of business: in the Queen's Prison.

*(On Creditor's Petition).*

*Joyce Payne*, Englefield-green, Egham, Surrey, widow: in the Gaol of Surrey.—*Thos. Ward*, Bagnigge-wells-road, near the Bagnigge-wells Tavern, Pentonville, Middlesex, green grocer: in the Debtors Prison for London and Middlesex.

*(On their own Petitions).*

*John Eastcott*, Plymouth, Devonshire, ale and porter merchant: in the Gaol of St. Thomas the Apostle.—*W. Brown*, Bridgnorth, Shropshire, butcher: in the Gaol of Shrewsbury.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Tuesday, April 21, at 9.*

*Ch. Leopold Macdonald*, James-place, Regent-street, Lambeth, Surrey, comedian.—*W. Luke*, Brunswick-st., Hackney-road, Middlesex, out of business.

**MEETING.**

*Thomas Simpson*, Low Harrogate, Yorkshire, whitesmith, April 27 at 11, Court-house, Knaresborough, sp. aff.

**FRIDAY, APRIL 10.**

**BANKRUPTS.**

**EDWARD FOLEY**, Stoke Newington-green, Islington, Middlesex, licensed victualler, dealer and chapman, April 24 at half-past 1, and May 22 at 2, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Dimmock & Burbey, Sisselane.—Fiat dated April 6.

**ROBERT WEATHERHOG** and **RICHARD WEATHERHOG**, Stone, Kent, farmers, dealers in corn, dealers and chapmen, April 17 at 2, and May 29 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Hayward, Dartford, Kent; Tripp, Adelaide-place, London-bridge.—Fiat dated April 9.

**HENRY CHARLES LANGLEY**, Suffolk-place, Hackney-road, Middlesex, apothecary, chemist and druggist, dealer and chapman, April 21 at half-past 1, and May 28 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Wheatley, 34, Walbrook.—Fiat dated April 7.

**THOMAS MATTHEWS**, Aldgate High-street, London, draper, dealer and chapman, April 23 at 12, and May 21 at 11, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Sole & Turner, Aldermanbury.—Fiat dated April 7.

**WILLIAM DAVEY**, Pentewan, St. Austell, Cornwall, coal merchant, April 29 and May 20 at 11, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzell; Sols. Cummings & Son, Bodmin; Stogdon, Exeter; G. and W. C. Smith, 5, Southampton-buildings, London.—Fiat dated April 8.

**THOMAS RICKARDS**, Wotton-under-Edge, Gloucestershire, watch maker and jeweller, dealer and chapman, April 27 and May 22 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sols. Husband & Wyatt, 11, Gray's-inn-square, London.—Fiat dated April 1.

**JAMES BOULTON ORAM**, Birmingham, brewer and maltster, dealer and chapman, April 22 and May 11 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sol. Bartlett, Birmingham.—Fiat dated April 6.

**MARTHA ILLINGWORTH**, **WILLIAM SMITH**, and **JOHN WRIGHT**, Bradford, Yorkshire, worsted spinners and worsted manufacturers, (carrying on business at Bradford, under the style or firm of Illingworth & Smith), April 21 and May 14 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Wells, Bradford; Courtenay, Leeds.—Fiat dated April 6.

**JOHN KNIGHT**, Preston, Lancashire, mercer and draper, dealer and chapman, April 21 and May 20 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Sale & Co., Manchester; Reed & Langford, Friday-street, Cheapside, London.—Fiat dated March 21.

**CHARLES HENRY CARTWRIGHT**, Warrington, Lancashire, grocer, April 27 and May 19 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Rowe, Liverpool; Sharpe & Co., Bedford-row, London.—Fiat dated April 7.

**HENRY ROE**, Liverpool, goldsmith and jeweller, dealer and chapman, April 28 and May 26 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Dodge, Liverpool; Bridger & Blake, London-wall, London.—Fiat dated April 6.

**MEETINGS.**

*Bartholomew Vanderplank*, Love-lane, London, woollen warehouseman, April 24 at 11, Court of Bankruptcy, London, last ex.—*Samuel Lawrence*, Bedford-street, Covent-garden, Middlesex, dealer in watches, April 24 at 11, Court of Bankruptcy, London, last ex.—*George Pratt* and *John Bodle*, Addison-road North, and Queen's-road, Notting-hill, Middlesex, builders, April 24 at 12, Court of Bankruptcy, London, last ex.—*John Lovegrove*, Rotherhithe-street, Rotherhithe, Surrey, barge builder, April 24 at 1, Court of Bankruptcy, London, last ex.—*Joseph Mellanby*, Hartlepool, Durham, broker, April 20 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—*James Brooke*, Gooderstone, Norfolk, miller, May 1 at half-past 1, Court of Bankruptcy, London, aud. ac.—*James Blyth*, Chelmsford, Essex, grocer, May 2 at 11, Court of Bankruptcy, London, aud. ac. and div.—*M. Maclean*, Basinghall-street, London, cloth factor, and Stroud, Gloucestershire, clothier, May 5 at 11, Court of Bankruptcy, London, aud. ac.—*Stephen Bretton* and *Thos. Twissell*, Charlotte-street, Fitzroy-square, Middlesex, upholsterers, May 5 at 12, Court of Bankruptcy, London, aud. ac.—*Robert Bamford*, Pontefract, Yorkshire, maltster, May 4 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*John Chas. Rawdon*, Leeds and Huddersfield, Yorkshire, wool merchant, May 4 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*James Oldham*, Wood-street, London, silk warehouseman, May 2 at half-past 12, Court of Bankruptcy, London, fin. div.—*C. O. Robson*, Finsbury-street, Finsbury-sq., Middlesex, plasterer, May 2 at 1, Court of Bankruptcy, London, div.—*James Gale* the elder and *James Gale* the younger, Love-lane, Shadwell, Middlesex, rope makers, May 2 at 12, Court of Bankruptcy, London, fin. div.

**CERTIFICATES.**

*To be allowed, unless Cause be shewn to the contrary on the Day of Meeting.*

*Chas. Self*, Sun-street, Bishopsgate-without, plumber, May 1 at half-past 12, Court of Bankruptcy, London.—*James Harries*, Leadenhall-market, London, butcher, May 1 at 2, Court of Bankruptcy, London.—*Geo. Moir*, John's-row, St. Luke, Middlesex, boot maker, May 5 at 1, Court of Bankruptcy, London.—*Rich. Hulse*, Little Tower-street, London, chemist, May 1 at 11, Court of Bankruptcy, London.—*Wm. Baldwin*, Notting-hill, Middlesex, victualler, May 1 at 12, Court of Bankruptcy, London.—*Mary Guy* and *Hen. Smith*, Farrington-street and Ludgate-hill, London, linen drapers, May 2 at half-past 1, Court of Bankruptcy, London.—*John Ricketts*, Gosport, Southampton, grocer, May 4 at half-past 12, Court of Bankruptcy, London.—*Chas. Hoppe*, Blackfriars-road, Surrey, glass dealer, May 1 at half-past 1, Court of Bankruptcy, London.—*Isaac Blackburn*, Mimories, and Northumberland-alley, Fenchurch-st., London, engineer, May 4 at 1, Court of Bankruptcy, London.—*Wm. Gay*, Cheltenham, Gloucestershire, builder, May 5 at 1, District Court of Bankruptcy, Bristol.—*Jas. G. Gore*, Cheltenham, Gloucestershire, innkeeper, May 5 at 1, District Court of Bankruptcy, Bristol.—*John Alldrett*, Rugeley, Staffordshire, rope maker, May 2 at 11, District Court of Bankruptcy, Birmingham.—*John Bainton Gillett*, Apperley-bridge, Eccleshill, Bradford, Yorkshire, dyer, May 7 at 11, District Court of Bankruptcy, Leeds.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before May 1.*

*John Brown*, Liverpool, cabinet maker.—*Edgar Barnes*, Aldborough, Suffolk, wine merchant.—*Jacob Parker*, Cheltenham, Gloucestershire, cabinet maker.—*Benj. Thompson*, Aldeburgh, Suffolk, innkeeper.—*John Sier*, Cheltenham, Gloucestershire, baker.

## PLATS ANNULLED.

*Jos. Whalley and Chas. Whalley*, Liverpool, seedsmen and nurserymen.—*Jos. Reding and Wm. N. Judd*, Horse-shoe-court, Ludgate-hill, London, printers.

## PARTNERSHIPS DISSOLVED.

*George Hartley and Jos. Heath*, Settle, Giggleswick, Yorkshire, attorneys, solicitors, and conveyancers.—*Sam. Foot and Chas. Hen. Radcliffe*, Salisbury, Wiltshire, attorneys and solicitors.—*Wm. Walter and Stephen Demailbray*, Kingston-upon-Thames, Surrey, attorneys and solicitors.

## SCOTCH SEQUESTRATIONS.

*Jas. Fleming and Dav. G. Richardson*, Glasgow, accountants.—*Dav. M. Bees*, Rarichies, Ross-shire, corn merchant.—*Jas. M. Master*, Adrossan, Ayrshire, grocer.—*J. Macharg*, Glasgow, tea merchant.

## DECLARATION OF INSOLVENCY.

*George Williams* the younger, Sandgate, Cheriton, Kent, grocer.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Jas. Dappa Howe*, Minster, Isle of Sheppey, Kent, miller, April 23 at 11, Court of Bankruptcy, London.—*Rich. Frost*, Rayleigh, Essex, general dealer, April 23 at 2, Court of Bankruptcy, London.—*John Dewe*, Oxford, bookseller, April 23 at 1, Court of Bankruptcy, London.—*William Edge*, St. George's-place, St. George in the East, Middlesex, tide waiter in her Majesty's Customs, April 23 at 11, Court of Bankruptcy, London.—*Jos. C. Crosson*, George-row, Bermondsey, Surrey, baker, April 23 at 2, Court of Bankruptcy, London.—*Thos. J. Keates*, Sutton, Surrey, lime burner, April 23 at 11, Court of Bankruptcy, London.—*John R. Brasse*, Mark-lane, London, in no business, April 23 at 2, Court of Bankruptcy, London.—*John Allen*, Stockwell, Surrey, warehouseman's assistant, April 21 at 11, Court of Bankruptcy, London.—*Edw. Tyeccross*, Edward-street, Bethnal-green, Middlesex, cowkeeper, April 23 at 11, Court of Bankruptcy, London.—*Jos. Burman*, Ellis's-square, Penton-st., Walworth, Surrey, out of business, April 21 at 11, Court of Bankruptcy, London.—*William Ralph*, Tonbridge-wells, Kent, fly proprietor, April 11 at 2, Court of Bankruptcy, London.—*Wm. Powell*, Coppice-row, Clerkenwell, Middlesex, undertaker, rent and debt collector, April 11 at 2, Court of Bankruptcy, London.—*Henry Thompson*, Nottingham, cheese factor, April 17 at 11, District Court of Bankruptcy, Birmingham.—*Anthony Thompson*, Sherburn, Durham, joiner, April 20 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne.—*J. Garbutt*, Bradford, Yorkshire, clerk to a dyer, April 23 at 11, District Court of Bankruptcy, Leeds.—*James Jowett*, Halifax, Yorkshire, cotton warp maker, April 21 at 11, District Court of Bankruptcy, Leeds.—*John Jowett*, Halifax, Yorkshire, cotton warp maker, April 21 at 11, District Court of Bankruptcy, Leeds.—*Wm. Richardson* the younger, Calverley, Yorkshire, cloth maker, April 23 at 11, District Court of Bankruptcy, Leeds.—*James Iredale*, Huddersfield, Yorkshire, beer retailer, April 21 at 11, District Court of Bankruptcy, Leeds.—*Joshua Hind*, Bradford, Yorkshire, manufacturer, April 21 at 11, District Court of Bankruptcy, Leeds.—*Wm. Simms*, Wakefield, Yorkshire, publican, April 21 at 11, District Court of Bankruptcy, Leeds.—*Wm. Sutcliffe*, Halifax, Yorkshire, stone mason, April 21 at 11, District Court of Bankruptcy, Leeds.—*T. Hinchliffe*, Halifax, Yorkshire, stone mason, April 21 at 11, District Court of Bankruptcy, Leeds.—*Peter M'Lean*, Liverpool, boarding-house keeper, April 14 at 1, District Court of Bankruptcy, Liverpool.—*Hugh Hughes*, Vron Velen, Llyfau, Carnarvonshire, farmer, April 17 at half-past 12, District Court of Bankruptcy, Liverpool.—*Edw. Gosslett*, Bristol, corn factor, May 4 at 11, District Court of Bankruptcy, Bristol.—*John Ford*, Bath, Somersetshire, chair and sofa maker, April 17 at 11, District Court of Bankruptcy, Bristol.—*J. Robt. Robinson*, Leeds, Yorkshire, bobbin turner, April 21 at 11, District Court of Bankruptcy, Leeds.—*John Murgrove* and *Robt. Alex. Brown*, Leeds, Yorkshire, stock and share brokers, April 23 at 11, District Court of Bankruptcy, Leeds.

Wednesday, April 8.

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

(On their own Petitions).

*Margaret Palmer*, Bury-street, Bloomsbury, Middlesex, out of business: in the Queen's Prison.—*T. Bradley*, Clare-court, Drury-lane, Middlesex, licensed victualler: in the Debtors Prison for London and Middlesex.—*Edwin Topham*, White-street, Little Moorfields, Cripplegate, London, tailor: in the Debtors Prison for London and Middlesex.—*C. Stewart Sweeney*, North-street, Westminster, Middlesex: in the Queen's Prison.

(On Creditor's Petition).

*Michael Coleman*, Drury-lane, Middlesex, tailor: in the Debtors Prison for London and Middlesex.

(On their own Petitions).

*Thos. Collier*, Averkengig, Newcastle, Glamorganshire, contractor: in the Gaol of Cardiff.—*J. Maurice Davies*, Aberystwith, Llanbadarn fawr, Cardiganshire, esquire: in the Gaol of Cardigan.—*J. Edmondson*, Giasburn, Yorkshire, clogger: in the Gaol of York.—*Bernabas Topham*, Boroughbridge, Yorkshire, wheelwright: in the Gaol of York.—*Ralph Freeman*, Gateshead, Durham, miller: in the Gaol of Durham.—*Ralph Crozier Coats*, Old Elvet, near Durham, grocer: in the Gaol of Durham.—*Ephraim Pope*, Exeter, grocer: in the Gaol of Exeter.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Friday, April 24, at 9.*

*Ebenezer Stevens*, Slater-street, Brick-lane, Middlesex, out of business.—*C. Blucher Walker*, Charles-street, Hampstead-road, Middlesex, out of business.—*Ed. Gregory*, Frith-street, Soho, Middlesex, carver.—*John Barker* the younger, George-street, Deverel-street, New Kent-road, Surrey, commission agent.—*Thomas Pursey*, Laurel-cottages, Crickle-wood, near Kilburn, Middlesex, coach-smith.

April 27, at the same hour and place.

*Joshua Preston*, Gravel-lane, Southwark, Surrey, dealer in cotton goods.—*S. Sequerra*, Oliver's-terrace East, Bow-road, Middlesex, out of business.—*Thomas Francis*, James-street, Poplar New-town, Poplar, Middlesex, carpenter.—*R. Barrett*, Hammer-smith, Middlesex, commission agent.

## MEETING.

*Joseph Lewis*, Woolstone, Gloucestershire, carpenter, April 27 at 12, Croome & Sons', Lydney, Gloucestershire, sp. aff.

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# The Jurist

No. 484—VOL. X.

APRIL 18, 1846.

PRICE 1s.

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LONDON, APRIL 18, 1846.

THERE have been several cases lately decided in the courts of common law, in which the rules of pleading as to new assignments in actions of trespass and trover have been explained or in some degree altered. These cases, although, as relating to the doctrines of special pleading, they are practically important to a part only of our readers, are yet, as affecting the trial of a cause, and the preparation of evidence for it, desirable to be noticed beyond those limits. We, therefore, deem no apology necessary for the following account of them.

In the first of these cases, *Bracegirdle v. Peacock*, (ante, p. 9; 15 Law Journ., N. S., Q. B., 73), a declaration in trespass stated, that defendants, on &c., and on divers other days and times between that day and the commencement of the suit, with force and arms, &c., broke and entered a certain close of the plaintiff, situate and being &c., and then and there cut down, prostrated, and destroyed the rails and palings of the plaintiff then standing and being in the said close, to wit, 100 yards of rails and 100 yards of paling. The pleas were, first, not guilty by statute; secondly, no notice of action pursuant to the statute, under the authority of which the trespasses were committed; thirdly, a common public highway; and, because the rails and palings had been wrongfully erected, and were standing in and across the highway and obstructing the same &c., the defendants, in order to remove the obstruction, cut down, prostrated, and a little destroyed the said rails and palings, doing no unnecessary damage. The fourth plea was similar, except in alleging the removal to be under the authority of a local act. The replication to the third and fourth plea denied that the rails and palings were standing in and across the highway and footway, in manner and form &c. At the trial it was proved that the defendants had cut down six feet in length, in three

places, of the rails upon the close of the plaintiff. The defendants proved a right of way across the close, and the jury gave a verdict for the plaintiff upon the first and second issues, damages 1s., and found that part only of the rails cut down were on the footpath, upon which the judge directed the verdict to be entered for the defendants on the third and fourth issues, being of opinion, that, if any of the rails were upon the footpath, the plaintiff should have new assigned; and this the court held to have been rightly done. "We are of opinion," said the court, "that the plaintiff is not entitled to recover, and that, as the number and quantity of the rails were immaterial, and alleged generally in the declaration, and divisible, if the plea, which apparently covered the whole, answered a part only, the plaintiff ought to have new assigned, if he meant to insist that some of the rails were not standing upon the way, though others were. The case of *Bowen v. Jenkin* (6 Adol. & Ell. 911) is directly in point. That was an action for disturbing plaintiff's common by turning on cattle. The defendant pleaded a right of common for cattle levant and couchant. The plaintiff replied, that all the cattle in the declaration mentioned were not levant and couchant, and issue was joined. It appeared by the evidence, that, at the time of the injury complained of, some of the cattle were levant and couchant, and others not; and it was held that the effect of the plaintiff's replication was, that the levancy and couchancy was untrue alleged by the defendant of all the cattle, not that it was truly alleged of some, and falsely of others. The plea answered the complaint as to some of the cattle; and if the plaintiff meant to draw a distinction between such of the cattle as were really included in the justification and such as were not, he should have new assigned. The present case falls within the rule collected from a review of the older authorities laid down in the note to the case of *Gross*

*v. Jones*, (1 Saund. 299, 300), that, where the declaration is general, and the subject-matter divisible, and the plea apparently answers the whole, but really only answers a part, the plaintiff must new assign as to the part not really answered. The defendants, by their plea, say, that the plaintiff has complained of cutting rails in the highway; and if the plaintiff merely traverses the allegation that the rails were in the highway, and some of the rails cut actually were there, it will be taken that both parties agreed that those were the rails in question; and if the plaintiff meant to shew that the plea applied to part only, and not to the whole, he should have new assigned. Such a traverse as that taken by the plaintiff does not deny the *quæ est eadem*, but admits it. The case of *Barnes v. Hunt* (11 East, 451) was much relied upon for the plaintiff; but it must be considered an authority only with respect to the plea of leave and license, as observed by Littledale, J., in the case of *Bowen v. Jenkin*. Our judgment, therefore, is for the defendants."

The case of *Barnes v. Hunt*, (11 East, 451), which has often been quoted as an authority, that a plea of license to a declaration alleging several trespasses must be understood as applying to each, and that it is necessary to prove a license co-extensive with the trespasses proved at the several days and times included in the declaration, must now be considered, if not as overruled, at least as so much shaken that it cannot safely be acted upon, for, in addition to what is said upon it in the judgment above quoted, Patteson, J., upon its being quoted in the course of the argument, said, "It, viz. the doctrine that the evidence should be co-extensive with the statement in a plea of leave and license, is not to be extended to any other case, even if it can be maintained in that, which is very doubtful. . . . The court did not like to overrule it; but, with very great submission, it is full of fallacies: among others, it assumes that the plea professes to answer several trespasses." In the last case, the want of a new assignment is illustrated; the next points out where a new assignment is not to be allowed.

*Polkinhorn v. Wright* (10 Jur. 11; 15 Law Journ., N. S., Q. B., 70) was an action of trespass, and the declaration alleged, that the defendant, heretofore, &c., assaulted the plaintiff, and then, with great force, &c., seized and laid hold of him, &c. The defendant pleaded several pleas of justification; to which the plaintiff replied, *de injuriâ*, and also new assigned, that he issued his writ, and brought his action, not only for the trespasses in the pleas mentioned, and therein attempted to be justified, but also, that the defendant, on other and different occasions, &c., assaulted him, &c.; to which there was a special demurrer and joinder, it being alleged in support of it, that there was but one assault laid in the declaration, and the new assignment was a departure from it, as enlarging it, and making it include several. And of this opinion was the court, shewing, that, where the trespass is not stated to be continued, as in *Loweth v. Smith* (12 Mee. & W. 582) and *Worth v. Terrington*, (13 Mee. & W. 781), or laid at divers times, the new assignment is improper. The case of *Loweth v. Smith* is too long to be noticed here; but, upon this point, it well deserves perusal.

The last of the cases we intended to notice is *Page v.*

*Hatchett*, (ante, 182; 15 Law Journ., N. S., Q. B., 68), which differs from the others, in being an action of trover, in which kind of action new assignments have not been usual under any circumstances. It was an action of trover for, amongst other things, ten pieces of timber; to which the defendant pleaded generally, that the articles mentioned in the declaration were obstructing a navigable river, and that he removed them. To this the plaintiff replied, *de injuriâ*, and also new assigned, that he was possessed of five pieces of timber different from those mentioned in the plea, and that he brought his action for converting those, as well as the pieces of timber mentioned in the plea. Upon demurrer for duplicity, it was contended, for the defendant, that, as the plea was to the whole of the count generally, it covered all that was stated in it, and that the plaintiff could not new assign. But, said the court, "We are, however, of opinion, that the plaintiff in this case was entitled both to traverse and to new assign. The number of pieces of timber is alleged generally in the declaration; and the plaintiff is not bound by the exact number, but is at liberty to prove less. The plea is as general as the count, and apparently answers it. The allegation of number in the declaration is a divisible allegation, and the plea, though apparently answering the whole, may, in truth, only answer a part; and if that were so in fact, and the defendant had a justification as to some of the pieces of wood, but none as to the others, the plaintiff must new assign as to those to which the justification does not apply; for, if he merely take issue upon the plea, he will be taken to admit that the justification applies to all that is alleged in the declaration. *Bowen v. Jenkin* (6 Adol. & Ell. 911) decides this expressly. The cases upon the subject will be found collected and commented on in the notes to the case of *Greene v. Jones*, (1 Saund. 299, 300), and fully warrant the course which has been pursued by the plaintiff; and the later cases are in accordance with those authorities. Our judgment, therefore, in this case, is for the plaintiff."

## Court Papers.

### EQUITY CAUSE LISTS, EASTER TERM, 1846.

\* \* The following abbreviations have been adopted to abridge the space the Cause Papers would otherwise have occupied:—*A.* Abated—*Adj.* Adjourned—*A. T.* After Term—*Ap.* Appeal—*C. D.* Cause Day—*C.* Costs—*D.* Demurrer—*E.* Exceptions—*F. D.* Further Directions—*M.* Motion—*P. C.* Pro Confesso—*Pl.* Plea—*Ptn.* Petition—*R.* Re-hearing—*S. O.* Stand Over—*SA.* Short.

### Court of Chancery.

Before the LORD CHANCELLOR.

#### APPEALS.

Strickland v. Strickland	(Ap) Day	Dalton v. Hayter	(Ap)
land		Deeks v. Stanhope	(3 Ap)
Ditto v. Boynton	To be fixed.	Turner v. Newport	(Ap)
Ditto v. Strickland	fixed.	Att.-General v. Masters and Wardens, &c. of the City of Bristol	(Ap) To fix a day
Vandeleur v. Blagrove	(Ap) To fix a day	Trulock v. Robey	(Ap)
Ladbroke v. Smith	(Ap) part heard	Younghusband v. Gisborne	(Ap)
Coore v. Lowndes	(Ap) To fix a day	Whitworth v. Gangan	(Ap)
Minor v. Minor	(2 Ap)	Buah v. Shipman	(Ap)
Ditto v. Ditto	(Supp. suit)	Black v. Chaytor	(Ap)

*Michell v. Reynolds (E)* } By  
*Johnson v. Ditto (F D)* } ord.  
*Thwaites v. Foreman (Ap)*  
*Watts v. Lord Eglinton (Ap)*  
*Carsen v. Belworthy (Ap)*  
*Watson v. Parker (Ap)*  
*Dietrichson v. Cabburn (Ap)*  
*Bellamy v. Sabine (Ap)*  
*Att.-Gen. v. Malkin (Cause by order)*  
*Johnson v. Child (Ap)*  
*Kidd v. North (Ap)*  
*Durd v. Wightwick (Ap)*  
*Carmichael v. Carmichael (Ap)*  
*Hawkes v. Howell (Ap)*

*Hanning v. Swinnerton (Ap)*  
*Trait v. Ball (Ap)*  
*Youde v. Jones (Ap)*  
*Wrightson v. Mansley (Ap)*  
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*Morris v. Howse* } (Ap)  
*Horseman v. Abbey* }  
*Thomas v. Blackman (Ap)*  
*Bonds v. Slymen (Ap)*  
*Jones v. Morgan (Ap)*  
*Cooper v. Pithers (Ap)*  
*Salkeld v. Johnson (on eq. re.)*

### Before the VICE-CHANCELLOR OF ENGLAND.

#### PLEAS, DEMURRERS, CAUSES, AND FURTHER DIRECTIONS.

*De Beauvoir v. De Beauvoir (D)*  
*Hardy v. Hull*  
*Duke of Leeds v. El. Amherst*  
*Bryan v. Twigg (6 causes, F D, C)*  
*Blackwell v. Bryan (by order)*  
*Finwell v. King (F D, C, Ptn)*  
*Att.-Gen. v. Earl of Devon (Cause, Ptn)*  
*Henderson v. Eason (E)*  
*Terry v. Wachter*  
*Simpson v. Holt (F D, C)*  
*Smith v. Bickford* }  
*Bickford v. Bickford* }  
*Pacock v. Kernot*  
*Morison v. Watkins*  
*Wright v. Barnswell (E, F D)*  
*Grenney v. Buchanan*  
*Webster v. Moaritt*  
*Parker v. Hawkes (E)*  
*Dennis v. Bagley*  
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*Gifford v. Withington*  
*Daniel v. Hill*  
*Emble v. Featherstonhaugh*  
*Lane v. Durant (E, F D)*  
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*Evans v. Hunter*  
*Attorney-Gen. v. Trevanion*  
*Stert v. Cooke*  
*Mundell v. Gladstone (4 causes, F D)*  
*Hodgkinson v. Barrow (F D, C)*  
*Colbourn v. Coling*  
*Langton v. Langton (2 causes)*  
*Gowar v. Bennett (F D)*  
*Hickson v. Smith (at def. request)*  
*Palmer v. Pattison (F D, C)*  
*Minter v. Wraith (F D, C)*  
*Mason v. Wakeman (E)*  
*Hemming v. Spiers (E)*  
*Chambers v. Waters (E)*  
*Lord Beresford v. Archbishop of Armagh (F D, C)*  
*Smith v. Robinson*  
*Foster v. Vernon (F D, C)*  
*Johnstone v. Lumb (F D, C)*  
*Vale v. Sherwood (7 causes, F D, C)*  
*Haffenden v. Wood (E)*  
*Branscomb v. Branscombe (F D, C)*  
*Appleyard v. Owers*  
*Conquest v. Lemaghan*  
*Rog v. Robinson*  
*Stammers v. Hallyby (3 causes, F D)*  
*Ditto v. Dattoe (by order)*

*Whitcombe v. Deakins*  
*Gray v. Gray (3 causes, F D)*  
*Dorville v. Weld (F D, C)*  
*Baleh v. Hunt*  
*Bates v. Rickenby*  
*Redgers v. Newell*  
*Cotterell v. Hemar*  
*Richards v. Patterson (F D, C)*  
*Rosch v. Downer (F D, C)*  
*Beaton v. Beaton*  
*Hutchins v. Alagar*  
*Cloake v. Rolfe (3 causes)* }  
*Brook v. Swofler (sup. bill)* }  
*Att.-Gen. v. Smith (3 causes, F D)*  
*Breake v. Rounthwaite*  
*Woodman v. Madgen (F D, C)*  
*Jones v. Jones*  
*Bird v. Luckie*  
*Milne v. Parker*  
*Hawthorne v. Lydall*  
*Att.-Gen. v. Pearson (E, F D)*  
*Craddock v. Piper (F D, C) SA*  
*Kempson v. Abbott*  
*Fyson v. Addams*  
*Dawson v. Chappell (F D, C)*  
*Andrew v. Moore (F D, C)*  
*Higham v. Howis (F D, C)*  
*Wait v. Morton (F D, C)*  
*Parlow v. Donaldson (F D, C)*  
*Bryan v. Twigg (F D, C)*  
*Sheffield v. Levy (F D, C)*  
*Montague v. Gator*  
*Flight v. Bushby*  
*Groom v. Stinton*  
*Vallance v. Fennell*  
*Ford v. Wastall*  
*Allen v. Knight*  
*Corbett v. Limbrick (F D, C)*  
*Fernor v. Earl Pomfret (F D, C)*  
*Ward v. Ward (2 causes)*  
*Alsager v. Miller*  
*Lasbury v. Perks*  
*Ash v. Hele*  
*Baxter v. Abbott (F D, C)*  
*Patterson v. Wilson (2 causes)*  
*Woods v. Woods (5 causes)*  
*Webb v. Gower*  
*Hicklin v. Barney (F D, C) SA*  
*Dobson v. Lyall (F D, C)*  
*Lander v. Kendall*  
*Bagshaw v. Macneil*  
*De Beauvoir v. De Beauvoir (F D)*  
*Morris v. Wood*  
*Brake v. Warden (rehearing)*  
*Jenkins v. Smith*  
*Jones v. Thomas*  
*Turner v. Simcock (F D, C)*  
*Booth v. Lightfoot (E D, C)*

### Before the Vice-Chancellor KNIGHT BAUER.

#### CAUSES, FURTHER DIRECTIONS, AND EXCEPTIONS.

*Leonard v. Sander (D)*  
*Sutherland v. Cooke* } (F D, C)  
*Ditto v. Jackson* } *To file a day*  
*Hulkes v. Hulkes S O*  
*Goodwin v. Goswell (part heard)*  
*Say v. Kennit (part heard)*  
*Burfield v. Davis (part heard)*  
*Attorney-Gen. v. Clark*  
*Taylor v. Taylor*  
*Barker v. Harrison*  
*Dunning v. Harde*  
*Hodgkiss v. Hipkiss*  
*Chalmers v. Wotmough*  
*Cabley v. Pritchitt*  
*Knight v. Greenwood*  
*Garmstone v. Gaunt*  
*Hall v. Austin*  
*Dicken v. Ward* }  
*Ward v. Dicken* }  
*Davies v. Archer*  
*Jenkins v. Gower (F D, Cause)*  
*Nichols v. Newman (3 causes, F D, C)*  
*Toombs v. Rock (F D, C)*  
*Filder v. Bellingham (F D, C)*  
*Monckton v. Woodcock (F D, C)*  
*Chilton v. Rogers*  
*Barrow v. Harrison*  
*Follett v. Wesley*  
*Picart v. Bishop of Hereford* }  
*Underwood v. Morgan* }  
*Byre v. Green (E)*  
*Williams v. Bland*  
*Glover v. Cockerell*

*Middleton v. Wolff*  
*Matchitt v. Palmer (F D, C)*  
*Rowe v. Shuttleworth*  
*Ashton v. Dalston*  
*Barham v. Dowager* }  
*De Clifford* } (F D, C)  
*Earl of Clarendon v. Barham* }  
*Morrell v. Fisher*  
*Rowe v. Hardy April 17*  
*Marsh v. Marsh April 18*  
*Parker v. Morrell (3 causes)*  
*Watts v. Montgomery (F D, C)*  
*Hanwell v. Denton (F D, C)*  
*Roberts v. Humphreys (3 causes, F D, C, Ptn)*  
*Hughes v. Rowland (reviv.)* }  
*Holland v. King*  
*Caton v. Rideout*  
*Andre v. Andre*  
*Davies v. Price*  
*Glover v. Powell*  
*Browne v. Milne April 18*  
*Wood v. Hardisty*  
*Moreu v. Pulley*  
*Dobinson v. Sleddall*  
*Taylor v. Rylance* } (F D, C)  
*Blower v. Ditto* }  
*Meads v. Whitmore April 18*  
*Sanders v. Richards*  
*Att.-Gen. v. Mayor, &c. of Newcastle-upon-Tyne*  
*Boilean v. Rudlin*  
*Hawthorne v. James (F D, C)*  
*Pugh v. Benbow*  
*Wykes v. Higginson (F D, C)*  
*Thomas v. Floud (E)*

### Before the Vice-Chancellor WIGRAM.

#### CAUSES, FURTHER DIRECTIONS, AND EXCEPTIONS.

*Atkinson v. Boyes (To apply to L. C.)*  
*Parr v. Bank of England S O*  
*Parr v. Gylby* }  
*Ditto v. Parr* }  
*Ditto v. Gylby* }  
*Bell v. Bell*  
*Cooper v. Turner (F D, C)*  
*Day v. Wells (F D, C)*  
*Hole v. Pearse Trinity Term*  
*Cox v. Barnard*  
*M'William v. M'William* }  
*Ditto v. Geddes* }  
*East v. East (F D, C)*  
*Phillips v. Meinertzhagen*  
*Richardson v. Corbett F D, C)*  
*Blythe v. Blythe*

*Hutton v. Hepworth*  
*Williams v. Hilditch*  
*Beadman v. Beadman (E, F D)*  
*Steele v. Steele*  
*Edgar v. Davis*  
*Woods v. Woods April 20*  
*Ranken v. Harwood April 23*  
*Pole v. Harwood April 23*  
*Tindal v. Jortin (F D, C)*  
*Ward v. Key May 4*  
*Lancaster v. Jackson April 27*  
*Thomas v. Reynolds (E)*  
*Meek v. Carter SA*  
*Bells v. Kingland SA*  
*Preston v. Wilson April 30*  
*Rowland v. Mansel (F D, C)*  
*Wadman v. Philips (F D, C)*  
*SA*

### Rolls Court.

#### JUDGMENTS.

*Bennett v. Cooper (Cause)*  
*Earl Nelson v. Lord Bridford (E)*  
*Haldenby v. Spofforth (F D, C)*  
*Sparling v. Parker (F D, C)*  
*Hulkes v. Beauchert (Cause)*  
*Clarke v. Tipping (Cause)*  
*Seiffert v. Badham (F D, C)*  
*Lockhart v. Hardy (E)*  
*Bainbridge v. Baddeley (D)*  
*Nelson v. Duncombe* } (2  
*Duncombe v. Nelson* } causes)

#### CAUSES.

*Walton v. Potter 1st C D, T T*  
*A. J. B. Hope v. Hope T. T.*  
*A. J. Hope v. Hope Tria. T.*  
*H. J. Hope v. Hope Tria. T.*  
*Richardson v. Horton* } (F D, C)  
*Ditto v. Taylor* } *Tria. T.*  
*Ditto v. Derby* } *ment*  
*Att.-Gen. v. Bedford T. T.*  
*Hele v. Bexley* } (E S O to file  
*Ditto v. Ditto* } *Supp. Bill*  
*Campbell v. Crook (E) T. T.*  
*Leithridge v. Chetwode (Ptn)*  
*S O, part heard*  
*Angus v. Parry part heard*

#### PLEAS AND DEMURRERS.

*Tristram v. Roberts pt. heard*



Hodgkinson v. Cooper (E)  
*Trin. Term, part heard*  
 Hedges v. Harper (F D, C)  
 Lockhart v. Hardy }  
 Thomas v. Hardy }  
 Newman v. Hardy }  
 Hardy v. Lockhart } (F D,  
 Lockhart v. Arundell } C)  
 Lockhart v. Lee }  
 Lockhart v. Hardy }  
 Lockhart v. Crouch }  
 Matthews v. Bagshaw }  
 Matthews v. Leyburn }  
 Lacklison v. Blane } (F D,  
 Lacklison v. Hodgson } C,  
 Churchman v. Capon (F D, C) }  
*part heard*  
 Att.-Gen. v. Ironmongers' Co. (F D, C) 1st C D  
 Home v. Sterling } (F D, C,  
 Home v. Sterling } Ptn)  
 Richardson v. Horton } (E)  
 Richardson v. Taylor } *part*  
 Richardson v. Derby } *heard*  
 Woodcock v. Tarbuck }  
 Kinder v. Ld. Ashburton } T.  
 Kinder v. Pennell } T.  
 Barnes v. Hastings }  
 Attorney-Gen. v. Roose }  
 Gray v. Edwards } (F D, C,  
 Gray v. Beardmore } Ptn) SA  
 Gray v. Edwards }  
 Fordyce v. Bridges April 25  
 Hargrave v. Hargrave (F D, C)  
*Trin. T.*  
 Lancaster v. Evors }  
 Lancaster v. Morley }  
 Mette v. Alderson }  
 Henrichson v. Hen- } (F D, C)  
 richson }  
 Sanderson v. Dobson }  
 Elliott v. Morris }  
 Att.-Gen. v. Evans }  
 Att.-Gen. v. Davis }

Plenty v. West  
 Dowden v. Hook  
 Attorney-Gen. v. Corporation  
 of Leicester (F D, C)  
 Martin v. Sedgwick  
 Wilson v. Sir William Edon  
 Wilson v. John Edon  
 Brown v. Bullpitt  
 Stone v. Stone  
 Hulme v. Chitty } (F D, C)  
 Hulme v. Chitty }  
 Lindgren v. Lindgren (F D, C)  
 Suckmore v. Dimes } (E)  
 Fenton v. Dimes }  
 Jones v. Maurice } (F D, C)  
 Jones v. Maurice }  
 Davies v. Jones }  
 Madgwick v. Madgwick (F D,  
 C)  
 Conner v. Ainge SA

Jackson v. Jackson }  
 Jackson v. Jackson }  
 Jackson v. Jackson }  
 Attorney-Gen. v. Maclean  
 Price v. Watkins  
 Wadderburn v. Wadder- }  
 burn }  
 Wadderburn v. Colwill } (E)  
 Douglas v. Colwill }  
 Hodginson v. Wyatt (E, F D,  
 C)  
 Clark v. Chuck  
 Bagshaw v. Parker }  
 Bagshaw v. Parker }  
 Staunton v. Scott } (F D, C)  
 Staunton v. Power }  
 Robinson v. Robinson SA  
 Whiteher v. Penley (F D, C)  
 Jones v. Jones (F D, C) SA  
 Meire v. Williams  
 Best v. Davis (E)  
 Bathar v. Kearaley }  
 Bathar v. Frazer }  
 Meyer v. Moutrou (E)

District Court of Bankruptcy, Liverpool, last ex.—*Thos. M. Taylor*, Newcastle-upon-Tyne, merchant, April 29 at half-past 1, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—*Robert Garland*, Walham-green, Middlesex, corn chandler, May 5 at 11, Court of Bankruptcy, London, and ac.—*J. Shirt*, Albion-place, Walworth-road, Surrey, grocer, May 6 at 2, Court of Bankruptcy, London, and ac.—*John Linnitt*, Argyl-place, Regent-street, Middlesex, goldsmith, May 6 at 11, Court of Bankruptcy, London, and ac.—*Rich. Lewis*, Wotton-under-Edge, Gloucestershire, woollen manufacturer, May 11 at 11, District Court of Bankruptcy, Bristol, and ac.—*Wm. Nell*, Ardwick, and Manchester, Lancashire, common brewer, May 7 at 12, District Court of Bankruptcy, Manchester, and ac.; May 8 at 12, div.—*J. Clarke*, *Rich. Mitchell*, *Joseph Philips*, and *Thomas Smith*, Leicester, bankers, May 8 at 11, District Court of Bankruptcy, Birmingham, and ac.—*Matthew Tildesley*, Porto Bello, Wolverhampton, Staffordshire, timber dealer, May 8 at 11, District Court of Bankruptcy, Birmingham, and ac.—*Thomas Fidgeon*, *Edwin Getley*, and *Henry Lomas*, Birmingham, and Sheffield, Yorkshire, merchants, May 8 at 11, District Court of Bankruptcy, Birmingham, and ac.—*Wm. Hall*, Claypath, Durham, grocer, May 5 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.; May 6 at 1, div.—*Thomas Patterson* and *John Codling*, Gateshead Fell, Durham, earthenware manufacturers, May 5 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.; May 7 at 2, fin. div.—*Rebecca Drewry*, Penrith, Cumberland, banker, May 6 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.—*Richard Bulmer* and *Jos. Bulmer*, South Shields, Durham, ship builders, May 6 at half-past 10, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.—*Ralph Hodgson*, Newcastle-upon-Tyne, grocer, May 5 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.; May 6 at 12, div.—*Wm. Granger*, Rely-mill, Durham, paper manufacturer, May 5 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.—*J. Brooke*, Gooderstone, Norfolk, miller, May 6 at 2, Court of Bankruptcy, London, div.—*Joseph Francis Sporer*, St. James's-street, Piccadilly, Middlesex, tailor, May 6 at 1, Court of Bankruptcy, London, div.—*Henry Rogers*, Thetford, Suffolk, money scrivener, May 8 at 12, Court of Bankruptcy, London, div.—*Felix Herpent*, Sherrard-street, Golden-sq., Middlesex, warehouseman, May 7 at 12, Court of Bankruptcy, London, div.—*John Cooper*, Hanover-st., Hanover-sq., Middlesex, painter, May 6 at half-past 12, Court of Bankruptcy, London, div.

## CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

*John Turner*, Brooke-street, Holborn, Middlesex, manufacturer of printing materials, May 7 at 11, Court of Bankruptcy, London.—*Thos. Ellis*, Great St. Helen's, St. Helen's, London, wine merchant, May 6 at 11, Court of Bankruptcy, London.—*Sir John Ross*, Kent, York Coffee-house, York-rd., Lambeth, Surrey, banker, May 6 at half-past 11, Court of Bankruptcy, London.—*Jonathan Knights*, Great Melton and Thurgarton, Norfolk, cattle dealer, May 6 at 12, Court of Bankruptcy, London.—*Ch. Gibson*, South-street, Grosvenor-square, Middlesex, cheesemonger, May 6 at half-past 11, Court of Bankruptcy, London.—*Wm. Kearlon*, Lamb-street, Spital-square, Middlesex, cheesemonger, May 6 at 12, Court of Bankruptcy, London.—*Sam. Harrison*, Poole, provision merchant, May 6 at 12, Court of Bankruptcy, London.—*Charles James Benister*, Derby, linen draper, May 6 at 12, Court of Bankruptcy, London.—*Jas. Sisley*, Margate, Isle of Thanet, Kent, carpenter, May 8 at 11, Court of Bankruptcy, London.—*John Dyer Williams*, Newcastle-street, Farringdon-street, St. Sepulchre, London, blacking manufacturer, May 6 at 1, Court of Bankruptcy, London.—*Ch. Henry White*, Gravesend, Kent, linen draper, May 6 at 12, Court of Bankruptcy, London.—*Michael Thos. Knight*, Bath, Somersetshire, upholsterer, May 5 at 11, District Court of Bankruptcy, Bristol.—*T. Wilder*, Sloane-street, Middlesex, common brewer, May 12 at 12, District Court of Bankruptcy, Birmingham.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before May 5.

*R. Johnson Kenworthy*, Brinkaway, near Stockport, Chester, and Manchester, calico printer.—*D. Stanton*, Bristol, grocer.—*Ch. Moyle*, Whitchurch, Shropshire, linen draper.—*Rich.*

## London Gazettes.

TUESDAY, APRIL 14.

## BANKRUPTS.

THOMAS GROOHAM, Chard, Somersetshire, baker and beer-house keeper, April 23 and May 21 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hernaman; Sols. Terrell, Exeter; Dommett, Chard; Church, Bedford-row, London.—Fiat dated April 3.

JAMES WALLACE, Sunderland, Durham, grocer and tea dealer, dealer and chapman, April 24 at half-past 10, and May 28 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Wakley; Sols. Marshall, Durham; Harle, Newcastle-upon-Tyne; Soles & Turner, Aldermanbury, London.—Fiat dated April 6.

JAMES ROE, Manchester, drysalter, April 30 and May 21 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Morris, Manchester; Gregory & Co., Bedford-row, London.—Fiat dated April 6.

JOHN DAVIES, Shrewsbury, Shropshire, mercer and draper, dealer and chapman, April 27 and June 8 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. H. T. and G. Wace, Shrewsbury; Crosaley & Sudlow, Manchester; Clarke & Co., Lincoln's-inn-fields, London.—Fiat dated April 3.

## MEETINGS.

*Wm. Burleigh*, Haverhill, Suffolk, scrivener, April 29 at 12, Court of Bankruptcy, London, pr. d.—*Saml. M. Cross*, Greenwich, Kent, corn merchant, April 28 at 1, Court of Bankruptcy, London, last ex.—*George Edward Schultz* and *Henry Ward Carr*, Liverpool, stock brokers, April 28 at 11,

*Paris, Ragland, Monmouthshire, innkeeper.—John Denbigh, Bradford, Yorkshire, wool merchant.—Edw. Clayton, Edge-ware-road, Middlesex, licensed victualler.—Thos. Ellis, Wisbech St. Peter's, Isle of Ely, Cambridge, boot maker.*

## FIAT ANNULLED.

*Ch. Collins, Kidderminster, Worcestershire, yarn dealer.*

## PARTNERSHIPS DISSOLVED.

*Wm. Bayley and Wm. Crawford Newby, Stockton, Durham, attorneys and solicitors.—George Walkden and Thos. Walkden, Mansfield, Nottinghamshire, attorneys and solicitors.*

## SCOTCH SEQUESTRATIONS.

*Coghill & Co., Ayr, glass merchants.—James Jamieson, Paisley, draper.—John Oswald, Edinburgh, share broker.—Peter Dawson, Dundee, draper.*

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Henry Stevens, Parbright, Surrey, farmer, April 23 at 11, Court of Bankruptcy, London.—Jane Lander, Great Wild-street, Lincoln's-inn-fields, Middlesex, April 23 at 11, Court of Bankruptcy, London.—H. Hunt, Robert-street, Brixton, Surrey, April 23 at 11, Court of Bankruptcy, London.—Wm. Prince, Roomey, Hants, tailor, April 28 at 11, Court of Bankruptcy, London.—Currey Forster, Brandon, Suffolk, beer seller, April 28 at 11, Court of Bankruptcy, London.—J. Carpenter, Portsea, Southampton, licensed to retail beer, April 28 at 11, Court of Bankruptcy, London.—T. H. Simmons, Alpha-pl., Park-rd., Old Kent-rd., Surrey, grocer, May 2 at 11, Court of Bankruptcy, London.—Th. Hackshaw, New Palace-road, Lambeth, Surrey, out of business, May 2 at 11, Court of Bankruptcy, London.—Thos. Winterton, Whittlesea, Isle of Ely, Cambridge, tailor, May 2 at 11, Court of Bankruptcy, London.—John Parker, Dean-street, Commercial-road, St. George in the East, Middlesex, carpenter, May 2 at 12, Court of Bankruptcy, London.—J. Cowell, Green-street, Bethnal-green, Middlesex, commission agent, May 2 at half-past 11, Court of Bankruptcy, London.—Dennett Allen, High-street, Southwark, spirit merchant, May 2 at half-past 11, Court of Bankruptcy, London.—Nathaniel J. Thomas, Camden-street, Kensington Gravel-pits, St. Mary Abbots, Kensington, painter, May 2 at 12, Court of Bankruptcy, London.—P. Stewart, Craven-place, Old Kent-road, Camberwell, Surrey, clerk in the Ordnance Office, May 2 at half-past 12, Court of Bankruptcy, London.—Wm. Brunning Marsh, Cambridge, watch maker, May 2 at 12, Court of Bankruptcy, London.—Samuel David Young, Bury St. Edmund's, Suffolk, attorney at law, April 24 at 2, Court of Bankruptcy, London.—P. Reynolds, London-st., Tottenham-court-road, Middlesex, grocer, April 18 at 2, Court of Bankruptcy, London.—J. Law, Rochdale, Lancashire, out of business, April 23 at 12, District Court of Bankruptcy, Manchester.—J. Sharpley, Blackburn, Lancashire, joiner, April 24 at 12, District Court of Bankruptcy, Manchester.—T. Bridge, Manchester, agent, April 22 at 12, District Court of Bankruptcy, Manchester.—C. Cooke, Hulme, Manchester, packer, April 24 at 12, District Court of Bankruptcy, Manchester.—R. Smith, Ramsbottom, Lancashire, engraver, April 22 at 12, District Court of Bankruptcy, Manchester.—T. Poundall, Hulme, Manchester, druggist, April 22 at 12, District Court of Bankruptcy, Manchester.—Rich. Wenlock the elder, Bishton, Colwick, Staffordshire, farmer, April 17 at 11, District Court of Bankruptcy, Birmingham.—Wm. Walker, Longton, Staffordshire, provision dealer, April 17 at 11, District Court of Bankruptcy, Birmingham.—Joseph Manifold, Toxteth-park, Liverpool, beer retailer, April 21 at 11, District Court of Bankruptcy, Liverpool.—John Owen, Liverpool, coal dealer, April 22 at 11, District Court of Bankruptcy, Liverpool.—J. Hill, Clumstock, Devonshire, farmer, April 23 at 1, District Court of Bankruptcy, Exeter.—Jas. B. Jessop, Exeter, stationer, April 23 at 1, District Court of Bankruptcy, Exeter.—Wm. May, Devonport, Devonshire, superannuated labourer, April 21 at 10, Guildhall, Plymouth.—Thos. Barnett, Warwick, builder, April 25 at half-past 10, District Court of Bankruptcy, Birmingham.—George Hogg Harrison, Estham, Nottinghamshire, out of business, April 23 at 11, District Court of Bankruptcy, Birmingham.—John Thomas, Egremont, Carmarthenshire, farm bailiff, May 1 at 12, District Court of Bankruptcy, Bristol.*

*Saturday, April 11.*

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*Geo. Woods, Mount-place, Whitechapel-road, Middlesex, tailor, No. 58,072 T.; Wm. King, assignee.—Wm. Kneebone, Plymouth, Devonshire, agent for the sale of beer, No. 67,144 C.; John Pinsent, assignee.—Charlotte Tipper, widow, Newark-upon-Trent, Nottinghamshire, patten maker, No. 67,322 C.; Chas. Willey, assignee.*

*Saturday, April 11.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*  
(On their own Petitions).

*John Allen, Lewisham-st., Princes-st., Westminster, Middlesex, licensed retailer of beer: in the Debtors Prison for London and Middlesex.—Wm. E. Rausch, Upper Crown-street, Duke-st., Westminster, Middlesex, commission agent: in the Debtors Prison for London and Middlesex.—Joseph Jackson, Chilton-street, Somers-town, Middlesex, boot maker: in the Debtors Prison for London and Middlesex.—Rob. Jos. Hastings, Great Tithefield-st., Oxford-st., Middlesex, carpenter: in the Debtors Prison for London and Middlesex.—Wm. Bungard, Hanover-place, Oxford-st., Middlesex, cab driver: in the Debtors Prison for London and Middlesex.—Thomas H. Davis, Arabella-row, Pimlico, Middlesex, picture dealer: in the Debtors Prison for London and Middlesex.—John Wilson the younger, Liverpool-street, Bishopsgate-st., London, wharfinger's clerk: in the Debtors Prison for London and Middlesex.—Edward Holland, Wigan, Lancashire, boiler maker: in the Gaol of Lancaster.—Jas. Dawson, Fails-worth, near Manchester, warehouseman: in the Gaol of Lancaster.—Chas. Parson, Milton next Gravesend, Kent, tailor: in the Gaol of Maidstone.—Alex. Geekie, Newcastle-upon-Tyne, licensed tea dealer: in the Gaol of Newcastle-upon-Tyne.—Jas. Brubyn, Llanelly, Carmarthenshire, shopkeeper: in the Gaol of Carmarthen.—John Adams, Wentworth-street, Spitalfields, Middlesex, out of employ: in the Debtors Prison for London and Middlesex.*

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Tuesday, April 28, at 9.*

*John S. Pryce, Augustus-street, Regent's-park, Middlesex, tailor.—Wm. E. Gould, London-wall, London, carver.*

## MEETING.

*John Bamford, Brick-bank, near Rochdale, Lancashire, out of business, April 30 at 3, Lord's, Rochdale, sp. aff.*

**FRIDAY, APRIL 17.**

## BANKRUPTS.

**THOMAS REDFORD**, Croydon-common, Surrey, baker, dealer and chapman, April 24 at half-past 12, and May 29 at 11, Court of Bankruptcy, London: Off. Ass. Alsager; Sols. Russell & Mackenzie, High-street, Borough.—Fiat dated April 6.

**EDWARD SANKEY**, Canterbury, surgeon and apothecary, April 23 at 2, and May 28 at half-past 11, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Richardson & Co., Bedford-row.—Fiat dated April 14.

**BENJAMIN BILLINGS**, Harlow, Essex, victualler and common brewer, April 23 at half-past 1, and May 28 at 11, Court of Bankruptcy, London: Off. Ass. Turquand; Sol. Butt, Great Russell-street, Bloomsbury.—Fiat dated April 13.

**WILLIAM STEARMAN**, Princes-street, Cadogan-street, Chelsea, Middlesex, carpenter and builder, dealer and chapman, May 1 at 2, and May 26 at 11, Court of Bankruptcy, London: Off. Ass. Groom; Sol. Smith, 5, New-inn, Strand.—Fiat dated April 13.

**WILLIAM MILLS**, Foster-lane, London, glove manufacturer, dealer and chapman, April 24 at 11, and May 23 at 2, Court of Bankruptcy, London: Off. Ass. Green; Sols. Fisher & De Jersey, 162, Aldersgate-street, City.—Fiat dated April 13.

**HENRY RAWSON MORLEY**, Kingston-upon-Hull, merchant, dealer and chapman, April 29 and May 20 at 11, Town-hall, Kingston-upon-Hull: Off. Ass. Kynaston; Sols. Hobden & Son, Hull.—Fiat dated April 3.

**ALEXANDER MOORHOUSE BEAUMONT**, Honley, Almondbury, Yorkshire, woollen cloth manufacturer and merchant, dealer and chapman, April 26 and May 21 at 11, District Court of Bankruptcy, Leeds: *Off. As. Yeung; Sols. Brooks & Co., Huddersfield, Yorkshire; Cumming, King-street, Cheap-side, London.*—Fiat dated April 13.

**GEORGE JOSEPH JACKSON**, Liverpool, share broker, (late carrying on business in Liverpool, in co-partnership with William Calverley Davies, under the firm of Jackson & Davies, as share brokers), dealer and chapman, April 29 and May 20 at 12, District Court of Bankruptcy, Liverpool: *Off. As. Cazenove; Sols. Pemberton, Liverpool; Corathwaite & Adams, Old Jewry-chambers, London.*—Fiat dated April 6.

**THOMAS FIDGEN**, Liverpool, boot and shoe manufacturer, May 1 and 29 at 11, District Court of Bankruptcy, Liverpool: *Off. As. Morgan; Sols. Parsons, Liverpool; Kirk, 10, Symond's-lane, Chancery-lane, London.*—Fiat dated April 13.

**ABRAHAM LORD**, Collyhurst, Manchester, dyer, dealer and chapman, April 26 and May 12 at 12, District Court of Bankruptcy, Manchester: *Off. As. Fraser; Sols. Cooper, Manchester; Gregory & Co., Bedford-row, London.*—Fiat dated April 6.

#### METINGS.

*John Bay and John Robert Reay*, Mark-lane, London, wine merchants, April 27 at half-past 12, Court of Bankruptcy, London, ch. as. — *Joseph Willet*, Coggeshall, Essex, leather cutter, May 4 at 12, Court of Bankruptcy, London, last ex. — *T. Cotterworth*, Salisbury, Wiltshire, builder, May 11 at half-past 1, Court of Bankruptcy, London, and. ac.; at 2, div. — *J. Stevens*, Clement's-lane, Middlesex, builder, May 12 at 11, Court of Bankruptcy, London, and. ac. — *Richard Wace*, Castle-street, Falcon-square, London, merchant, May 1 at half-past 1, Court of Bankruptcy, London, and. ac.; May 8 at half-past 1, div. — *James Milton Pike*, Great Bath-street, Cold Bath-square, Middlesex, licensed victualler, May 11 at 2, Court of Bankruptcy, London, div. — *Wm. Butcher*, Great Marlborough-street, St. James's, Westminster, Middlesex, commission agent, May 8 at 1, Court of Bankruptcy, London, div. — *John C. Mait*, Lime-street, London, merchant, May 12 at 11, Court of Bankruptcy, London, div. — *R. Pokington*, Wintborne, Nottinghamshire, and *Wm. Dickinson*, Newark-upon-Trent, Nottinghamshire, bankers, May 21 at 11, District Court of Bankruptcy, Birmingham, and. ac. and div. — *Thomas Todd*, Manchester, dealer in cotton and woollen goods, April 22 at 12, District Court of Bankruptcy, Manchester, fin. div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on the Day of Meeting.*

*John Joseph Trigwell*, Harrow-road, Middlesex, beer-shop keeper, May 9 at 2, Court of Bankruptcy, London. — *John Finer*, Regent's-place, Globe-road, Mile-end-road, Middlesex, undertaker, May 11 at half-past 2, Court of Bankruptcy, London. — *John L. Boorman*, Gravesend, Kent, silversmith, May 9 at 12, Court of Bankruptcy, London. — *Wm. White*, Aylesbury, Buckinghamshire, tailor, May 9 at 12, Court of Bankruptcy, London. — *Abraham France* and *Wm. P. Lewton*, Leeds, Yorkshire, share brokers, May 11 at 11, District Court of Bankruptcy, Leeds. — *James Duke*, Newark-upon-Trent, Nottinghamshire, plaster merchant, May 18 at 11, District Court of Bankruptcy, Birmingham. — *John Bromley*, Bolton-le-Moors, Lancashire, manufacturer, May 7 at 12, District Court of Bankruptcy, Manchester. — *Wm. Harding*, Stockport, Cheshire, cotton manufacturer, May 12 at 12, District Court of Bankruptcy, Manchester. — *Joe. Phillips*, Wm. Hague, and *Sam. Hague*, Manchester, cotton spinners, May 12 at 12, District Court of Bankruptcy, Manchester.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before May 8.*

*George Cooper*, West Boldon and South Shields, Durham, shadow burner. — *Alf. Wyatt*, Babness-mews, Well-street, St. James's, Middlesex, out of business. — *Dev. Hutson*, St. Alban's, Hertfordshire, agent. — *John C. Platt*, Sheffield and Doncaster, Yorkshire, printer. — *John P. Linton*, Munster-street, Regent's-park, and Spring-st., Paddington, Middlesex, linen draper. — *Geo. H. Openshaw*, Over Darwen, Lancashire, power loom cloth manufacturer. — *James Webb*, Runcorn,

Gloucestershire, coal proprietor. — *Fred. Whitworth*, Shawforth, Rochdale, Lancashire, cotton manufacturer.

#### FIATS ANNULLED.

*Geo. Aug. Absalom*, Portsea, Southampton, victualler. — *Samuel Beens*, Hilton-house, Blackrod, and Diconson-mill, Aspull, near Wigan, Lancashire, cotton spinner. — *Wm. John Idenden*, Salmon's-lane, Limehouse, Middlesex, tailor. — *John Egan Banks*, Great Newport-st., Middlesex, engraver.

#### PARTNERSHIP DISSOLVED.

*R. Maughan* and *Thos. Kennedy*, attorneys and solicitors.

#### SCOTCH SEQUESTRATIONS.

*Jas. Affleck*, Dumfries, shoe manufacturer. — *Sam. Affleck*, Dumfries, ship owner. — *Alex. Fergusson*, Aulson, Alford, Aberdeenshire, farmer. — *John Barr*, Glasgow, dyer. — *John R. Baird*, Glasgow, commission merchant. — *John Tait*, Ayr, physician. — *Thomas Heiton*, Edinburgh, silk mercer. — *John Crawford*, Glasgow, victualler.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Anthony Arnett Neal*, Charlton-street, Somers-town, St. Pancras, Middlesex, cabinet maker, April 26 at 1, Court of Bankruptcy, London. — *Henry Noakes*, Brewer-st., Golden-square, Middlesex, collecting clerk, April 26 at half-past 12, Court of Bankruptcy, London. — *Robert Vincent*, Tilney St. Laurence, Norfolk, farmer, April 28 at 11, Court of Bankruptcy, London. — *Isaac Taffing*, Greenwich, Kent, out of business, April 28 at 11, Court of Bankruptcy, London. — *Wm. Carey*, Crown-court, Bow-st., Middlesex, cabinet maker, April 29 at 12, Court of Bankruptcy, London. — *James Allen*, Brighthelmston, Sussex, licensed retailer of beer, April 28 at 12, Court of Bankruptcy, London. — *Geo. Duvall*, Cherry-garden-street, Bermondsey, Surrey, cooper, April 28 at 11, Court of Bankruptcy, London. — *Gustav Sintzenich*, Maccow-road, Bayswater, Middlesex, teacher of drawing, April 25 at 12, Court of Bankruptcy, London. — *James Godwin Welch*, Dean's-cottages, Dunstan's-road, Kingland-road, Middlesex, clerk in the baggage warehouse in the St. Katherine's Docks, April 30 at 1, Court of Bankruptcy, London. — *J. Ward*, King's-terrace North, Bagnigge-wells-road, Clerkenwell, Middlesex, sealing wax manufacturer, April 30 at 1, Court of Bankruptcy, London. — *Henry Morris*, Ebury-street, Finsbury, Middlesex, engineer, April 30 at 12, Court of Bankruptcy, London. — *Clara Eliza M. Whitley*, Haymarket, Middlesex, public vocalist, April 30 at 12, Court of Bankruptcy, London. — *Rich. Shoodbridge*, Maidstone, Kent, out of business, April 28 at half-past 1, Court of Bankruptcy, London. — *Philip Thomas Tudor*, Northfleet, Kent, out of employment, April 28 at 11, Court of Bankruptcy, London. — *George Natt*, Milverton, Warwickshire, policeman, April 24 at 11, District Court of Bankruptcy, Birmingham. — *William Woolton*, Nottingham, bricklayer, May 5 at half-past 10, District Court of Bankruptcy, Birmingham. — *J. Webster Stevenson*, Hollowstone, Nottingham, mason, April 27 at half-past 10, District Court of Bankruptcy, Birmingham. — *J. Starkey*, Wolverhampton, Staffordshire, licensed victualler, April 27 at half-past 10, District Court of Bankruptcy, Birmingham. — *Arnold Jelfs*, Birmingham, butcher, April 22 at half-past 10, District Court of Bankruptcy, Birmingham. — *John Howard*, Bradford, Yorkshire, out of business, April 28 at 11, District Court of Bankruptcy, Leeds. — *James Fielding*, Butterworth, Rochdale, Lancashire, woollen weaver, May 2 at 12, District Court of Bankruptcy, Manchester. — *John Leeming*, Otley, Yorkshire, mechanic, April 28 at 11, District Court of Bankruptcy, Leeds. — *Wm. Ward*, Reepham, Lincolnshire, shoemaker, April 29 at 11, District Court of Bankruptcy, Leeds. — *T. Pool*, Jubbergate, Yorkshire, licensed victualler, April 26 at 11, District Court of Bankruptcy, Leeds. — *Jas. Harwood*, Gaisley, Yorkshire, woollen cloth manufacturer, April 28 at 11, District Court of Bankruptcy, Leeds. — *C. Harris*, Leeds, bath dresser, April 28 at 11, District Court of Bankruptcy, Leeds. — *Wm. Wright Miller*, Bradford, Yorkshire, labourer, April 28 at 11, District Court of Bankruptcy, Leeds. — *Stephen Shaw*, Long Preston, near Settle, Yorkshire, labourer, April 28 at 11, District Court of Bankruptcy, Leeds.

Wednesday, April 15.

Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—

(On their own Petitions).

*James David Crouet*, Dorset-street, Clapham-road, Surrey, out of business: in the Gaol of Surrey.—*Ann Eliza Stockley*, Bedford-place, Southwark-bridge-road, Surrey: in the Queen's Prison.—*James Davenport* the elder, Church-street, Spitalfields, Middlesex, clerk to the Commercial Gas Company: in the Debtors Prison for London and Middlesex.—*Wm. Woff*, Lancaster, labourer: in Lancaster Castle.—*G. Egfield* the younger, Liverpool, manager to a shipwright: in Lancaster Castle.—*Henry Greenwood*, Lancaster, labourer: in Lancaster Castle.—*Rich. Bridge Cross*, Taunton, Somersetshire, out of business: in the Gaol of Wilton.—*H. Scott*, Kingston-upon-Hull, attorney at law: in the Gaol of Kingston-upon-Hull.

The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Friday, May 1, at 9.

*Thos. Backhouse*, Clifford's-inn-passage, Fleet-street, London, out of business.—*James Bagley*, Aldermanbury Postern, Fore-street, Cripplegate, London, carpenter.

May 4, at the same hour and place.

*Henry Wright*, Clement's-lane, Strand, Middlesex, out of business.—*Edwin Topham*, White-street, Little Moorfields, Cripplegate, London, journeyman tailor.—*Edward Napoleon Wilde*, Liverpool, master mariner.—*Margaret Palmer*, Bury-street, Bloomsbury, Middlesex, out of business.—*W. Abraham Dupere*, Greenwich, Kent, poulterer.

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*Saturday, April 4.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

**Edw. Napoleon Wilde**, Bramerton, near Norwich, Norfolk, master mariner: in the Queen's Prison.—**J. Binger**, Addington-cottage, Addington-street, York-road, Lambeth, Surrey, out of business: in the Gaol of Surrey.—**Thomas Backhouse**, Clifford's-inn-passage, Fleet-street, London, out of business: in the Queen's Prison.

*(On Creditor's Petition).*

**Joyce Payne**, Englefield-green, Egham, Surrey, widow: in the Gaol of Surrey.—**Ethos Ward**, Bagnigge-wells-road, near the Bagnigge-wells Tavern, Pentonville, Middlesex, green grocer: in the Debtors Prison for London and Middlesex.

*(On their own Petitions).*

**John Eastcott**, Plymouth, Devonshire, ale and porter merchant: in the Gaol of St. Thomas the Apostle.—**W. Brown**, Bridgnorth, Shropshire, butcher: in the Gaol of Shrewsbury.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Tuesday, April 21, at 9.*

**Ch. Leopold Macdonald**, James-place, Regent-street, Lambeth, Surrey, comedian.—**W. Luke**, Brunswick-st., Hackney-road, Middlesex, out of business.

**MEETING.**

**Thomas Simpson**, Low Harrogate, Yorkshire, whitcamith, April 27 at 11, Court-house, Knarsborough, sp. aff.

**FRIDAY, APRIL 10.**

**BANKRUPTS.**

**EDWARD FOLEY**, Stoke Newington-green, Islington, Middlesex, licensed victualler, dealer and chapman, April 24 at half-past 1, and May 22 at 2, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Dimmock & Burbey, Siselane.—Fiat dated April 6.

**ROBERT WEATHERHOG** and **RICHARD WEATHERHOG**, Stone, Kent, farmers, dealers in corn, dealers and chapmen, April 17 at 2, and May 29 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Hayward, Dartford, Kent; Tripp, Adelaide-place, London-bridge.—Fiat dated April 9.

**HENRY CHARLES LANGLEY**, Suffolk-place, Hackney-road, Middlesex, apothecary, chemist and druggist, dealer and chapman, April 21 at half-past 1, and May 28 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Wheatley, 34, Walbrook.—Fiat dated April 7.

**THOMAS MATTHEWS**, Aldgate High-street, London, draper, dealer and chapman, April 23 at 12, and May 21 at 11, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Sole & Turner, Aldermanbury.—Fiat dated April 7.

**WILLIAM DAVEY**, Pentewan, St. Austell, Cornwall, coal merchant, April 29 and May 20 at 11, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzell; Sols. Cummings & Son, Bodmin; Stogden, Exeter; G. and W. C. Smith, 5, Southampton-buildings, London.—Fiat dated April 3.

**THOMAS RICKARDS**, Wotton-under-Edge, Gloucestershire, watch maker and jeweller, dealer and chapman, April 27 and May 22 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sols. Husband & Wyatt, 11, Gray's-inn-square, London.—Fiat dated April 1.

**JAMES BOULTON ORAM**, Birmingham, brewer and maltster, dealer and chapman, April 22 and May 11 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sol. Bartleet, Birmingham.—Fiat dated April 6.

**MARTHA ILLINGWORTH**, **WILLIAM SMITH**, and **JOHN WRIGHT**, Bradford, Yorkshire, worsted spinners and worsted manufacturers, (carrying on business at Bradford, under the style or firm of Illingworth & Smith), April 21 and May 14 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Wells, Bradford; Courtenay, Leeds.—Fiat dated April 6.

**JOHN KNIGHT**, Preston, Lancashire, mercer and draper, dealer and chapman, April 21 and May 20 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Sale & Co., Manchester; Reed & Langford, Friday-street, Cheapside, London.—Fiat dated March 21.

**CHARLES HENRY CARTWRIGHT**, Warrington, Lancashire, grocer, April 27 and May 19 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Rowe, Liverpool; Sharpe & Co., Bedford-row, London.—Fiat dated April 7.

**HENRY ROE**, Liverpool, goldsmith and jeweller, dealer and chapman, April 28 and May 26 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Dodge, Liverpool; Bridger & Blake, London-walls, London.—Fiat dated April 6.

**MEETINGS.**

**Bartholomew Vanderplank**, Love-lane, London, woolen warehouseman, April 24 at 11, Court of Bankruptcy, London, last ex.—**Samuel Lawrence**, Bedford-street, Covent-garden, Middlesex, dealer in watches, April 24 at 11, Court of Bankruptcy, London, last ex.—**George Pratt** and **John Bode**, Addison-road North, and Queen's-road, Notting-hill, Middlesex, builders, April 24 at 12, Court of Bankruptcy, London, last ex.—**John Lovegrove**, Rotherhithe-street, Rotherhithe, Surrey, barge builder, April 24 at 1, Court of Bankruptcy, London, last ex.—**Joseph Mellanby**, Hartlepool, Durham, broker, April 20 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—**James Brooke**, Gooderstone, Norfolk, miller, May 1 at half-past 1, Court of Bankruptcy, London, aud. ac.—**James Blyth**, Chelmsford, Essex, grocer, May 2 at 11, Court of Bankruptcy, London, aud. ac. and div.—**M. Maclean**, Basinghall-street, London, cloth factor, and Stroud, Gloucestershire, clothier, May 5 at 11, Court of Bankruptcy, London, aud. ac.—**Stephen Bretton** and **Thos. Tunwell**, Charlottestreet, Fitzroy-square, Middlesex, upholsters, May 5 at 12, Court of Bankruptcy, London, aud. ac.—**Robert Bamford**, Pontefract, Yorkshire, maltster, May 4 at 11, District Court of Bankruptcy, Leeds, aud. ac.—**John Chas. Rawdon**, Leeds and Huddersfield, Yorkshire, wool merchant, May 4 at 11, District Court of Bankruptcy, Leeds, aud. ac.—**James Oldham**, Wood-street, London, silk warehouseman, May 2 at half-past 12, Court of Bankruptcy, London, fin. div.—**C. O. Robson**, Finsbury-street, Finsbury-sq., Middlesex, plasterer, May 2 at 1, Court of Bankruptcy, London, div.—**James Gale** the elder and **James Gale** the younger, Love-lane, Shadwell, Middlesex, rope makers, May 2 at 12, Court of Bankruptcy, London, fin. div.

**CERTIFICATES.**

*To be allowed, unless Cause be shown to the contrary on the Day of Meeting.*

**Chas. Self**, Sun-street, Bishopsgate-without, plumber, May 1 at half-past 12, Court of Bankruptcy, London.—**James Harris**, Leadenhall-market, London, butcher, May 1 at 2, Court of Bankruptcy, London.—**Geo. Moir**, John's-row, St. Luke, Middlesex, boot maker, May 5 at 1, Court of Bankruptcy, London.—**Rich. Hulse**, Little Tower-street, London, chemist, May 1 at 11, Court of Bankruptcy, London.—**Wm. Baldwin**, Notting-hill, Middlesex, victualler, May 1 at 12, Court of Bankruptcy, London.—**Mary Guy** and **Hen. Smith**, Farringdon-street and Ludgate-hill, London, linen drapers, May 2 at half-past 1, Court of Bankruptcy, London.—**John Ricketts**, Gosport, Southampton, grocer, May 4 at half-past 12, Court of Bankruptcy, London.—**Chas. Hoppe**, Blackfriars-road, Surrey, glass dealer, May 1 at half-past 1, Court of Bankruptcy, London.—**Isaac Blackburn**, Mimories, and Northumberland-alley, Fenchurch-st., London, engineer, May 4 at 1, Court of Bankruptcy, London.—**Wm. Gay**, Cheltenham, Gloucestershire, builder, May 5 at 1, District Court of Bankruptcy, Bristol.—**Jas. G. Gore**, Cheltenham, Gloucestershire, innkeeper, May 5 at 1, District Court of Bankruptcy, Bristol.—**John Aldrett**, Rugeley, Staffordshire, rope maker, May 2 at 11, District Court of Bankruptcy, Birmingham.—**John Bainton Gillett**, Apperley-bridge, Eccleshill, Bradford, Yorkshire, dyer, May 7 at 11, District Court of Bankruptcy, Leeds.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before May 1.*

**John Brown**, Liverpool, cabinet maker.—**Edgar Barnes**, Aldborough, Suffolk, wine merchant.—**Jacob Parker**, Cheltenham, Gloucestershire, cabinet maker.—**Benj. Thompson**, Aldeburgh, Suffolk, innkeeper.—**John Sier**, Cheltenham, Gloucestershire, baker.

## PLATS ANNULLED.

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## PARTNERSHIPS DISSOLVED.

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*Jas. Fleming and Dav. G. Richardson*, Glasgow, accountants.—*Dav. M. Ross*, Garthies, Ross-shire, corn merchant.—*Jas. M. Master*, Adrossan, Ayrshire, grocer.—*J. Macharg*, Glasgow, tea merchant.

## DECLARATION OF INSOLVENCY.

*George Williams* the younger, Sandgate, Cheriton, Kent, grocer.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Jas. Dappa Howe*, Minster, Isle of Sheppey, Kent, miller, April 23 at 11, Court of Bankruptcy, London.—*Rich. Frost*, Rayleigh, Essex, general dealer, April 23 at 2, Court of Bankruptcy, London.—*John Dewe*, Oxford, bookseller, April 23 at 1, Court of Bankruptcy, London.—*William Edge*, St. George's-place, St. George in the East, Middlesex, tide waiter in her Majesty's Customs, April 23 at 11, Court of Bankruptcy, London.—*Jos. C. Crosson*, George-row, Bermondsey, Surrey, baker, April 23 at 2, Court of Bankruptcy, London.—*Thos. J. Keates*, Sutton, Surrey, lime burner, April 23 at 11, Court of Bankruptcy, London.—*John R. Brasse*, Mark-lane, London, in no business, April 23 at 2, Court of Bankruptcy, London.—*John Allen*, Stockwell, Surrey, warehouseman's assistant, April 21 at 11, Court of Bankruptcy, London.—*Edw. Tugcross*, Edward-street, Bethnal-green, Middlesex, cowkeeper, April 23 at 11, Court of Bankruptcy, London.—*Thos. Burman*, Ellis's-square, Penton-st., Walworth, Surrey, out of business, April 21 at 11, Court of Bankruptcy, London.—*William Ralph*, Tonbridge-wells, Kent, fly proprietor, April 11 at 2, Court of Bankruptcy, London.—*Wm. Powell*, Coppice-row, Clerkenwell, Middlesex, undertaker, rent and debt collector, April 11 at 2, Court of Bankruptcy, London.—*Henry Thompson*, Nottingham, cheese factor, April 17 at 11, District Court of Bankruptcy, Birmingham.—*Anthony Thompson*, Sherburn, Durham, joiner, April 20 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne.—*J. Garbutt*, Bradford, Yorkshire, clerk to a dyer, April 23 at 11, District Court of Bankruptcy, Leeds.—*James Jowett*, Halifax, Yorkshire, cotton warp maker, April 23 at 11, District Court of Bankruptcy, Leeds.—*John Jowett*, Halifax, Yorkshire, cotton warp maker, April 21 at 11, District Court of Bankruptcy, Leeds.—*Wm. Richardson* the younger, Calverley, Yorkshire, cloth maker, April 23 at 11, District Court of Bankruptcy, Leeds.—*James Iredale*, Huddersfield, Yorkshire, beer retailer, April 21 at 11, District Court of Bankruptcy, Leeds.—*Joshua Hind*, Bradford, Yorkshire, manufacturer, April 21 at 11, District Court of Bankruptcy, Leeds.—*Wm. Simms*, Wakefield, Yorkshire, publican, April 21 at 11, District Court of Bankruptcy, Leeds.—*Wm. Sutcliffe*, Halifax, Yorkshire, stone mason, April 21 at 11, District Court of Bankruptcy, Leeds.—*T. Hinchliffe*, Halifax, Yorkshire, stone mason, April 21 at 11, District Court of Bankruptcy, Leeds.—*Peter M'Lean*, Liverpool, boarding-house keeper, April 14 at 1, District Court of Bankruptcy, Liverpool.—*Hugh Hughes*, Vron Velen, Llysfen, Carnarvonshire, farmer, April 17 at half-past 12, District Court of Bankruptcy, Liverpool.—*Edw. Gennetti*, Bristol, corn factor, May 4 at 11, District Court of Bankruptcy, Bristol.—*John Ford*, Bath, Somersetshire, chair and sofa maker, April 17 at 11, District Court of Bankruptcy, Bristol.—*J. Robt. Robinson*, Leeds, Yorkshire, bobbin turner, April 21 at 11, District Court of Bankruptcy, Leeds.—*John Musgrave and Robt. Alex. Brown*, Leeds, Yorkshire, stock and share brokers, April 23 at 11, District Court of Bankruptcy, Leeds.

Wednesday, April 8.

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

(On their own Petitions).

*Margaret Palmer*, Bury-street, Bloomsbury, Middlesex, out of business: in the Queen's Prison.—*T. Bradley*, Clare-court, Drury-lane, Middlesex, licensed victualler: in the Debtors Prison for London and Middlesex.—*Edwin Topham*, White-street, Little Moorfields, Cripplegate, London, tailor: in the Debtors Prison for London and Middlesex.—*C. Stewart Sweeney*, North-street, Westminster, Middlesex: in the Queen's Prison.

(On Creditor's Petition).

*Michael Coleman*, Drury-lane, Middlesex, tailor: in the Debtors Prison for London and Middlesex.

(On their own Petitions).

*Thos. Collier*, Averkensig, Newcastle, Glamorganshire, contractor: in the Gaol of Cardiff.—*J. Maurice Davies*, Aberystwyth, Llanbadarn fawr, Cardiganshire, esquire: in the Gaol of Cardigan.—*J. Edmondson*, Gisburn, Yorkshire, clogger: in the Gaol of York.—*Barnabas Topham*, Boroughbridge, Yorkshire, wheelwright: in the Gaol of York.—*Ralph Freeman*, Gateshead, Durham, miller: in the Gaol of Durham.—*Ralph Crosier Coats*, Old Elvet, near Durham, grocer: in the Gaol of Durham.—*Ephraim Pope*, Exeter, grocer: in the Gaol of Exeter.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Friday, April 24, at 9.*

*Ebenezer Stevens*, Slater-street, Brick-lane, Middlesex, out of business.—*C. Blucher Walker*, Charles-street, Hampstead-road, Middlesex, out of business.—*Ed. Gregory*, Frith-street, Soho, Middlesex, carver.—*John Barker* the younger, George-street, Deverel-street, New Kent-road, Surrey, commission agent.—*Thomas Pursey*, Laurel-cottages, Crickle-wood, near Kilburn, Middlesex, coach-smith.

April 27, at the same hour and place.

*Joshua Preston*, Gravel-lane, Southwark, Surrey, dealer in cotton goods.—*S. Segueria*, Oliver's-terrace East, Bow-road, Middlesex, out of business.—*Thomas Francis*, James-street, Poplar New-town, Poplar, Middlesex, carpenter.—*R. Barrett*, Hammer-smith, Middlesex, commission agent.

## MEETING.

*Joseph Lewis*, Woolstone, Gloucestershire, carpenter, April 27 at 12, Croome & Sons', Lydney, Gloucestershire, sp. att.

## ARCHBOLD'S PRACTICE OF THE QUEEN'S BENCH.—BROWNE EDITION.

Just published, in 2 vols. royal 12mo., price 21. 8s. boards.  
**ARCHBOLD'S PRACTICE OF THE COURT OF QUEEN'S BENCH IN PERSONAL ACTIONS AND EJECTMENT.** The Eighth Edition. BY THOMAS CHITTY, Esq., of the Inner Temple; including the PRACTICE OF THE COURTS OF COMMON PLEAS AND EXCHEQUER.

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S. Sweet, 1, Chancery-lane; and V. and R. Stevens & G. S. Norton, 26 and 39, Bell-yard, Lincoln's Inn.

Of whom may be had,

## COLE ON CRIMINAL INFORMATION AND QUO WARRANTO.

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**THE LAW'S DISPOSAL OF A PERSON'S ESTATE** who dies without Will or Testament; to which is added, the Disposal of a Person's Estate by Will or Testament; with an Explanation of the Mortmain Act. By PETER LOVELASS, Esq., of the Inner Temple. The Twelfth Edition, remodelled and enlarged, and adapted to the recent alterations of the Law. By ARTHUR BARRON, Esq., of the Inner Temple, Barrister at Law, late Fellow of Trinity College, Cambridge. In 8vo., price 16s. boards.

for inquiry being shewn, for the administration of the trust property confided to their care.

In another part of this appeal we find the following passage:—

"Now, it is well known, that hitherto and at this moment, all, or the chief of the large charitable foundations and institutions in this kingdom, are managed by gentlemen of station, ability, and independence, who gratuitously devote their time and talents, and valuable habits of business, to the care and most economic and beneficial disposition of the charity funds, and use their influence in extending them and promoting their increase. The chief of the petitions presented last sessions against the bill came from bodies composed of gentlemen of this description: gentlemen, who were not the mere administrators of funds created centuries ago, and never since increased or increasing,—the trustees of old deposits merely, dropt into a dead letter,—but gentlemen who had themselves been large contributors to the charity under their management, themselves, in some instances, the very source of it; themselves the persons from whom the whole, or a very large proportion, of the charitable annual income arose and continued to arise. Well might bodies composed of such men complain, that they needed no inquisitors to catechise and control them in the disposition of their funds; well might they grudge to mulct such funds with a percentage to pay for the performance of this superfluous, obnoxious, and impertinent duty."

One would imagine, from these passages, that there was no such thing as a charity fund of large amount left unadministered, either from neglect or want of power in the trustees; and that the smaller charities of this kingdom were of inconsiderable amount. Have the writers of this appeal never heard of cases such as *Attorney-General v. The Ironmongers' Company* (10 Cl. & Fin. 908) or *Attorney-General v. Gibson*, (2 Beav. 317, n. (a)), where absolutely nothing was done with immense trust funds, and they were allowed to accumulate for years, until the interference of the Court of Chancery was brought to bear upon the administration of the charity? Or, on the other hand, have these writers forgotten the statement made last year, upon good authority, by the Lord Chancellor, that there are in this country 13,000 charities with an income of less than 5*l.* a year, 18,000 with an income of less than 10*l.*, and 21,000 with an income of less than 20*l.* a year?

No doubt, there are many modern charities, which are, as stated in the appeal, managed, and well managed, by gentlemen of the highest character,—themselves personally large donors or contributors. But there is not, on the other hand, a shadow of doubt, that there are many charities of great importance, both ancient and modern, which are either not managed at all, or grossly mismanaged; and that there are myriads of the smaller charities, which have been for generations a dead letter, (so far as carrying out the objects of the original trusts is concerned), and are likely to remain so, unless a jurisdiction such as that contemplated by the Charitable Trusts Bill is created. Such a jurisdiction will be of course regulated by the rules that govern all judicial bodies, and will be dangerous or harassing only in cases where the trustees of a charity have

given ground for imputing to them neglect or mismanagement.

The Charitable Trusts Bill may be very irritating to the love of consequence of persons who disguise to themselves their true character of trustees, under the pleasant title of "managers" of charities, and are fond of imagining, that, as managers, it is very impertinent in the law to catechise and control them. But we apprehend, that, to the great body of charitable *cœtus que trustent*, and to those managers of charities who are not deluded into the notion that they are, or ought to be, irresponsible persons, the matter will appear in a different light: to the former, the provisions of the act will appear to afford protection; to the latter, the indemnity consequent upon judicial inquiry and sanction.

### Rebibo.

*A Treatise on the Law relating to Patent Privileges, &c.*  
By WILLIAM HINDMARCH, Esq., Barrister.

[Stevens & Norton. 1846.]

There is a singular disproportion between the extent of the business in matters of patents for inventions, and the number of text-books published on the subject. The amount of business brought before the lawyer in or out of court is not extensive, as may be well supposed, if our readers will bear in mind, that, though there are, upon an average, probably not less than 300 patents taken out every year, not one quarter of the inventions comprised in them ever comes into practice, and of that quarter probably not one-tenth is of sufficient importance to warrant or to produce any transactions requiring the attention of lawyers. Of probably nine-tenths of all the patents taken out, it may be asserted that their passage through the agent's office is their whole active existence; that the only business they generate is the business attending the suing out of the patent, and the preparation of the necessary specification and drawings, (a business almost entirely transacted by patent agents, and gentlemen practising exclusively as specification draftsmen); and that, when the specifications reach the office where they are enrolled, they have reached their last and long home, where, in the undisturbed repose of the official presses, they slumber on for their fourteen years of legal existence. As evidence of the small amount of forensic business in patents, we may mention, that, in the book now before us, the latest and most elaborate on the subject, and which, we think, we may venture to say of our own knowledge, as having paid much attention to the law of patents, contains pretty well all the cases that are to be found in the books, not more than about 450 cases are cited—a number which, by its smallness, shews how very little there is of litigation in the matter of patents, and, consequently, how small must be the number of lawyers, either counsel or solicitors, actively engaged in matters of business turning upon them. Nevertheless, since no man, either counsel or solicitor, knows when he may be called upon to advise upon patents, or prepare instruments connected with them, or to conduct litigation concerning them; moreover, as regards the bar, since any member of it *may* be, and we presume every member of it *expects* to be, the particular barrister, on whom, at some day, the duty of adjudicating, as Attorney or Solicitor-General, upon the claims of inventors to the favour of the Crown, will devolve, there appears to be a legal appetite for books on the law of patents, greatly disproportionate to the amount of general business arising out of that law; at least, we may so judge from the number of text-books that have been published on the



subject. First, there is Hand's Practice; then Davies' Patent Cases; then Godson on Patents; then Holroyd on Patents; then a second edition of Godson on Patents; then a very useful little book, (by a gentleman not in the law, but well known as a scientific adviser of patentees), Carpmal on Patents; then Drewry on the Patent Law Amendment Act; then Webster on Patents; then an elaborate essay on the subject in the 7th volume of the last edition of Jarman's Conveyancing; then Webster's Patent Cases; and, lastly, the present work. If we compare this array of learned productions on the law of patents, with the list of text-books in any extensive branch of the law, as, for instance, on the law and practice of bankruptcy, of which there are, we believe, but three, viz. Lord Henley's, Mr. Archbold's, and Montague and Ayrton's, the contrast is, to say the least, singular. The explanation by Mr. Hindmarch, in that prefatory justification in which authors are used to indulge, of his reasons for adding to the stock, is also singular. He says, it was with the view of supplying the acknowledged want of such a treatise, that he commenced his work; but, in a note, he adds, that "this is not intended as any disparagement of the many useful works on patent law which have been published."

How, with no less than eight existing text-books on this little subject, some of them of goodly bulk, there could be an acknowledged want of a treatise, unless the existing ones were individually insufficient, and, therefore, disparageable, we must leave Mr. Hindmarch to settle; and, difficult as the subject is, with which he has most vigorously and ably dealt in the book before us, we think he will find, that, to reconcile the antagonistic assertions suggested by his modesty in his preface, will present to him a still more intractable difficulty.

We do not like these mock-modest prefaces. If a learned lawyer thinks there is a space open, wherein to insert a treatise, he has a right to do so. He would not attempt it, and still less would his publisher abet him in the attempt, unless he bona fide thought the existing books, on some grounds, open to objection. Let him, under such circumstances, write the best book he can; and in his preface, let him either say nothing at all about other works, or say at once that which is at the very root of his own effort, that he thinks the existing works, for some reason or other, not sufficiently good, and, therefore, he has tried to do better.

A statement such as that in Mr. Hindmarch's preface is calculated to mislead the reader, who will not anticipate accuracy and sound reasoning in the body of a book, the author of which can set out with so palpable a contradiction, without appearing to be conscious that it is one. The reader, however, who suffers himself to be thus prejudiced, on sitting down to peruse Mr. Hindmarch's treatise, will find that he has been mistaken; that the preface was merely a piece of parade; and that the book is a very good one in all respects.

The law of patents is one of peculiar difficulty. Fully to understand its application, requires not only the ordinary knowledge and the ordinary legal judgment of an accomplished lawyer, but a very considerable amount of general scientific knowledge, or, at least, that quickness and sharpness of apprehension, that accuracy of judgment, and, above all, that aptitude for perceiving distinctions in matters of science, which pre-suppose a mind imbued with general knowledge, and rendered acute and penetrating by practice and much thought. The subject-matters to which the law of patents has to be applied are so various; the distinctive characters of several inventions are separated by lines and characteristics so fine; the difficulty of separating the practical invention from the abstract theory in matters of invention is so great; that the wonder is not that there should be found occasional obscurity and occasional contradic-

tion in the decisions upon the law of patents, but that there should be so much of uniformity, so much of sound and practical sense. And the only explanation of the fact, that the law of patents is, as a whole, so uniform and consistent as it is, is to be found in the high education, the sound sense, and catholic knowledge which, whatever may be said by those who think that to sneer at a lawyer is a proof of their own wit and wisdom, are the characteristics of the judges and bar of this country.

The law relating to exclusive privileges granted by letters-patent is founded partly on the common law and partly on statutory law.

At common law the Crown could, by its prerogative, grant an exclusive privilege to a subject for the exercise of a new invention, whether it were the invention of his own brain, or a new art imported by him from abroad; and many old cases are cited by Mr. Hindmarch to prove this, (see chap. 2, pp. 7 et seq.) Indeed, in those early periods of the history of this country, when mechanical inventions began to play their part in the trade of the country, our own people were too ill informed in general to be themselves inventors; and nearly all the early cases upon letters-patent for inventions in the useful arts, turn upon importations of new arts from abroad: hence, no doubt, the celebrated resolution in *Edgberry v. Stephens*, (7 Salk. 467), that, if an invention be new in England, a patent may be granted, though the thing was practised beyond sea before,—a construction of the language of the Statute of Monopolies which the natural sense of the word "inventor" would hardly justify, and which is explicable only by reference to the fact, that, at the time when the Statute of Monopolies was passed, there was scarcely such a thing known in England as indigenous invention; and, therefore, to have excluded from the benefit of the statute, the discoverers and importers of foreign inventions, would have been to exclude the only sort of discoverers that the nation knew. Since the Statute of Monopolies, the law has become gradually consolidated, passing through two different stages: first, one of extreme hostility generally to patent privileges, founded on the exaggerated national and judicial horror of monopolies; and, secondly, one of extreme leaning towards the support of patent privileges, founded upon an equally exaggerated opinion of the immense value of inventors as public benefactors. The law is just emerging from this second state into one in which neither the word "monopoly" nor the word "invention" exerts any magical and delusive influence, and in which it is becoming daily more a principle practically acted upon, that a patent is a contract between the inventor and the public, in which each finds a benefit, and in respect to which the business of the law is, to see that the substantial intention of the parties is carried into effect.

The fundamental principle of a grant of letters-patent for the exclusive use of an invention is, that the inventor, representing to the Crown, and establishing to its satisfaction, a *prima facie* case, that he has invented or imported some manufacture new in these realms, entitles himself not of right, but as of grace, or, according to the modern understanding, puts himself in a position to bargain with the Crown, representing the public, to obtain a grant of an exclusive right of using and vending the new manufacture for fourteen years, provided it is a manufacture,—provided it is a new manufacture,—provided he is the real inventor or first importer,—and provided he also, by a suitable instrument, called technically the specification, teaches the real grantor, the public, how to use the new manufacture at the end of the term of the grant, as well as he (the patentee) himself knows how to use it. If, on any of these points, the patentee does not keep faith with the Crown, i. e. the public, the consideration of the grant fails, and with it goes the grant itself.

Hence the rules relating to the title or denomination of an invention, inserted by the petitioner for a patent in the petition, in which he represents to the Crown what it is that he has invented. If A., for instance, represents that he has invented improvements in the machinery by which the movements of the heddles of a loom are regulated, and, in fact, he has invented some new mode of connecting the heddles with the harness\*, he is obviously not stating to the Crown, the real consideration on which he grounds his application. It may be, that the Crown, i. e. the public, is well apprised that it could obtain from B., or from abroad or otherwise, without the aid of the applicant, and without giving any exclusive privilege, the invention of the new mode of connecting the heddles with the harness, and would never have agreed to give to the applicant an exclusive right for that invention, if it had been informed that the discovery of that was the consideration offered.

From the terms of the contract, also, flow the inquiries that have been made into the true construction of the Statute of Monopolies. The Crown has no authority, since the statute, to grant an exclusive privilege, except for a new manufacture. Hence have arisen the discussions relating to the meaning of the term "manufacture,"—discussions which have terminated in the general doctrine, that a manufacture, to be within the statute, must be, in some sense, the embodying of a principle; that is, the mere discovery of a truth in science will not satisfy the words of the statute; but the discovery must be in itself a substantive thing, or else it must be some mode of dealing with matter, so as to produce or act upon some substantive thing. Unless this character of substantiality is impressed upon an invention, it is not an invention of a manufacture, within the meaning of the statute.

(To be continued).

#### COURT OF QUEEN'S BENCH.

April 23.—The court will, on Monday next, the 27th instant, deliver judgment in the following cases:—

Solomon v. Lawson.—Griffiths v. Lewis.  
 Alfred v. Farlow.—Reg. v. Douglas.

In *Stuart v. Wilkinson*, in the New Trial Paper, at the commencement of the argument, the court suggested that a stet processus would be a proper end of the cause; and Lord Denman, C. J., said, "It is thought by many, that, if a verdict is set aside because the jury have done wrong, it must be upon payment of costs; but that practice has been long discontinued in this court, and I believe that it will shortly be discontinued in the other courts. In setting aside a verdict, this court looks to the nature of the inquiry and the other circumstances, and exercise their discretion on the question of costs."

The rule in *Stuart v. Wilkinson* was argued and made absolute.

The Queen has been pleased to appoint Alexander Stewart, Esq., to be Master of the Rolls for the province of Nova Scotia.

**MASTER IN CHANCERY.**—The Lord Chancellor has appointed Charles Marsh Lee, of New Sarum, in the county of Wiltshire, Gent., to be a Master Extraordinary in the high Court of Chancery.

\* For our readers uninitiated in manufactures, we will explain, that the heddles are certain levers, one set of ends of which is connected with the warp of a loom by strings termed harness, and the other set of ends with machinery of various kinds, by which they are moved up and down at stated intervals, in order to separate the threads of the warp at such intervals as are required for throwing the web across and between them.

#### London Gazette.

TUESDAY, APRIL 21.

#### BANKRUPTS.

**SAMUEL METCALFE LATHAM**, Kent, banker, ship agent, dealer and chapman, May 7 and June 9 at 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Bridges & Co., Red Lion-square, London.—Fiat dated April 17.

**ROBERT STEPHENSON**, Southwick-street, Hyde-park, Middlesex, apothecary, April 28 at half-past 1, and May 29 at 1, Court of Bankruptcy, London: Off. Ass. Belcher; Sols. Chamberlayne & Meaden, Great James-street.—Fiat dated April 17.

**THOMAS ELISHA DEACON**, Comer-hall, Hemel Hempstead, Hertford, tanner, dealer and chapman, April 27 at 2, and June 1 at 11, Court of Bankruptcy, London: Off. Ass. Turquand; Sol. Matthews, King William-street.—Fiat dated April 17.

**RICHARD BRAILSFORD**, Enfield, Middlesex, common brewer, dealer and chapman, April 30 at half-past 2, and May 28 at 1, Court of Bankruptcy, London: Off. Ass. Bell; Sols. F. and H. Palmer, Mitre-court-chambers, Temple.—Fiat dated April 18.

**JOHN BIGGS**, Houndsditch, London, undertaker, dealer and chapman, April 28 at half-past 1, and May 28 at half-past 11, Court of Bankruptcy, London: Off. Ass. Bell; Sols. J. T. H. Baddeley, 12, Leman-street, Goodman's-fields.—Fiat dated April 18.

**JOHN BURGH CRAMPERN**, Wharf-road, City-basin, City-road, Middlesex, coal merchant, May 5 at half-past 11, and June 2 at 12, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Parker & Co., 3, Raymond's-buildings, Gray's-inn.—Fiat dated April 16.

**JOHN PACE and HENRY PACE**, St. Michael's-alley, Cornhill, London, general merchants, May 1 at half-past 2, and June 2 at 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Lindo, King's Arms-yard, Moorgate-street.—Fiat dated April 1.

**JOSEPH SALMON**, Beaumont, Essex, carpenter and builder, dealer and chapman, May 6 at 2, and June 2 at 11, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Ambrose, Chancery-lane.—Fiat dated April 8.

**JAMES CLARKSON**, Barnsley, Yorkshire, plumber and glazier, May 5 and 26 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sols. Hellawell, Huddersfield, Yorkshire; Cariss, Leeds; Jacques & Co., Ely-place, London.—Fiat dated April 7.

**JAMES WALKER and BENJAMIN WILLIAMSON**, Leeds, Yorkshire, share brokers, share dealers, and co-partners in trade, dealers and chapmen, May 5 and 26 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sols. Smith & Co., Bank-street, Leeds; Wiglesworth & Co., Gray's Inn, London.—Fiat dated April 17.

**WILLIAM CROSS**, Weymouth and Melcombe Regis, Dorsetshire, coal merchant and ship owner, dealer and chapman, April 30 at 1, and May 27 at 11, District Court of Bankruptcy, Exeter: Off. Ass. Hernaman; Garland, Dorchester; Terrell, Exeter; Sowton, Great James-street, Bedford-row, London.—Fiat dated April 16.

**JAMES TOPHAM**, Brewood, Staffordshire, road contractor, May 2 and 30 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Turner, Wolverhampton; Smith, Temple-street, Birmingham.—Fiat dated April 13.

**DANIEL ANTROBUS**, Audley, Staffordshire, apothecary, May 12 at 11, and May 29 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sols. Williams, Hanley; Smith, Birmingham.—Fiat dated April 16.

**WILLIAM BENNETT**, Wolverhampton, Staffordshire, j-spanner and tin plate worker, May 5 and June 13 at half-past 10, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Brown, Bilston; Smith, Birmingham.—Fiat dated April 9.

**THOMAS ALLEN**, Littleworth, Castle Church, Staffordshire, hotel keeper, shoe manufacturer, dealer and chapman, May 5 and June 13 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Flint, Staffordshire; Motteram & Knowles, Birmingham; Read & Langford, London.—Fiat dated April 14.

THOMAS TAYLOR, Newcastle-upon-Tyne, grocer and tea dealer, (lately carrying on business with William Tooth, as glass manufacturers, Gateshead, Durham), May 4 at 12, and June 11 at half-past 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Harle, Newcastle-upon-Tyne; Chisholme & Co., 64, Lincoln's-inn-fields, London.—Fiat dated April 13.

WILLIAM BELSHAW, Manchester, licensed victualler, dealer and chapman, May 1 at 11, and May 21 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Hitchcock & Co., Manchester; Gregory & Co., Bedford-row, London.—Fiat dated April 8.

BENJAMIN DAWSON, Baersill, near Rochdale, Lancashire, woollen manufacturer, dealer and chapman, May 2 and 23 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Heaton, Rochdale; Norris & Co., Bartlett's-buildings, London.—Fiat dated April 27.

CHRISTOPHER STEPHENSON, Colne, Lancashire, worsted manufacturer, dealer and chapman, May 8 and 28 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Hitchcock & Co., Manchester; Johnson & Co., Temple, London.—Fiat dated April 14.

HENRY FOWKES, Manchester, sharebroker, dealer and chapman, May 4 and June 9 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Cramley & Sadlow, Manchester; Milne & Co., Temple, London.—Fiat dated April 15.

DAVID JOHNSTONE, Chorlton-upon-Medlock, Manchester, joiner and builder, dealer and chapman, May 4 and June 9 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Cooper, Manchester; Gregory & Co., Bedford-row, London.—Fiat dated April 14.

HENRY LAMBERT FITZJAMES, Walcot, Bath, Somersetshire, furrier or dealer in furs, May 12 at 12, and June 4 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sols. Webb & Son, Bath.—Fiat dated April 9.

HENRY HUTCHINSON, Liverpool, merchant, May 4 and June 1 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Jenkins, jun., Liverpool; Sharpe & Co., Bedford-row, London.—Fiat dated April 17.

WILLIAM KELLY, Chester, common brewer, dealer and chapman, May 4 and June 1 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Thomas, Manchester; Humphreys & Co., Chancery-lane, London.—Fiat dated April 13.

JAMES ROBINS CROFT, Liverpool, commission merchant, dealer and chapman, May 1 at 12, and May 27 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Case-nove; Sols. Littledale & Bardwell, Liverpool; Vincent & Co., Temple, London.—Fiat dated April 1.

GRIFFITH JONES HUGHES, Liverpool, commission merchant, forwarding agent, and general merchant, May 4 and June 1 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Brown, Liverpool; Wilkin, Farnival's Inn, London.—Fiat dated April 13.

#### MEEINGS.

Geo. Aug. Kollman, St. Martin's-lane, Middlesex, piano-forte maker, May 14 at 1, Court of Bankruptcy, London, pr. d.—Steph. Vertue, Liverpool, merchant, May 8 at 11, District Court of Bankruptcy, Liverpool, last ex.—Isaac Denning, Titchbourne-st., St. James, Westminster, Middlesex, watch maker, May 12 at 11, Court of Bankruptcy, London, aud. ac.—Thomas W. Hooper, Bathurst-st., Hyde-park-gardens, Middlesex, chemist, May 15 at half-past 1, Court of Bankruptcy, London, aud. ac.—Rich. Chas. Turner, Houndsditch, London, carpenter, May 13 at 11, Court of Bankruptcy, London, aud. ac.—John Wm. Frost, Beck-lane, Kingsland-green, Middlesex, coffee dealer, May 13 at 11, Court of Bankruptcy, London, aud. ac.—Thos. Caswell and James Thomas Tindall, Northampton, leather sellers, May 14 at 12, Court of Bankruptcy, London, aud. ac.—Wm. H. Taylor, Piccadilly, Middlesex, stove manufacturer, May 14 at 12, Court of Bankruptcy, London, aud. ac.—Rob. Kimpston, Crescent, Jewin-street, Cripplegate, London, jeweller, May 14 at 12, Court of Bankruptcy, London, aud. ac.—Mich. Emanuel and Henry Emanuel, Hanover-sq., Middlesex, goldsmiths, May 15 at 11, Court of Bankruptcy, London, aud. ac.—Jas. Martin, Wood-street, Cheap-side, London, fringe manufacturer, May 14 at 12, Court of Bankruptcy, London, aud. ac.—George Perry, Stroud, Gloucestershire, coach builder, May 18 at 12, District Court of Bankruptcy, Bristol, aud. ac. and div.—Sam. Beard,

Bristol, woollen draper, May 11 at 2, District Court of Bankruptcy, Bristol, aud. ac.—Geo. Middleton, Nottingham, wine merchant, May 15 at 11, District Court of Bankruptcy, Birmingham, aud. ac.—Geo. James, Leamington Priors, Warwickshire, draper, May 15 at 11, District Court of Bankruptcy, Birmingham, aud. ac.—Wm. Attwater, Devonshire-street, Queen-sq., Middlesex, dyer, May 12 at half-past 1, Court of Bankruptcy, London, fin. div.—Jos. Johns, Grosvenor-street West, Finsbury, Middlesex, cook, May 12 at 12, Court of Bankruptcy, London, div.—John Hamilton, King-street, St. James's, Middlesex, wine merchant, May 12 at 11, Court of Bankruptcy, London, div.—Maira Maclean, Basinghall-street, London, cloth factor, May 15 at 1, Court of Bankruptcy, London, div.—Geo. H. Green and Geo. C. Green, Barge-yard, Bucklersbury, London, wholesale stationers, May 12 at half-past 1, Court of Bankruptcy, London, div. esp. est. Geo. C. Green.—Wm. Tomlinson the younger, Nantwich, Cheshire, money scrivener, May 12 at 11, District Court of Bankruptcy, Liverpool, div.—John Clarke, Rich. Mitchell, Jos. Philips, and Thos. Smith, Leicester, bankers, May 12 at 11, District Court of Bankruptcy, Birmingham, div. sep. est. John Clarke and Jos. Philips.

#### CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on the Day of Meeting.

Jos. Hen. Nock, High-street, Poplar, Middlesex, outfitter, May 14 at 1, Court of Bankruptcy, London.—Sam. Stocker the elder, Seckford-street, Clerkenwell, Middlesex, hydraulic engineer, May 14 at half-past 12, Court of Bankruptcy, London.—Peter Owen, Liverpool, miller, May 14 at 11, District Court of Bankruptcy, Liverpool.—George Perry, Stroud, Gloucestershire, coach builder, May 18 at 11, District Court of Bankruptcy, Bristol.—Geo. Dardler, Liverpool, merchant, May 14 at 12, District Court of Bankruptcy, Liverpool.—Jos. Walton, Liverpool, coal merchant, May 12 at 11, District Court of Bankruptcy, Liverpool.—John M. Gibbon, Liverpool, boot maker, May 12 at 11, District Court of Bankruptcy, Liverpool.—John A. H. Jee, Liverpool, insurance broker, May 12 at 11, District Court of Bankruptcy, Liverpool.—Isaac Robert, Mold, Flintshire, grocer, May 12 at 11, District Court of Bankruptcy, Liverpool.—John Hill, Digbeth, Birmingham, carrier, May 15 at 11, District Court of Bankruptcy, Birmingham.—Sam. Rhodes, Bradford, Yorkshire, worsted spinner, May 14 at 11, District Court of Bankruptcy, Leeds.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before May 12.

James Sykes, Doncaster, Yorkshire, hoder.—John Joplin, Bishopwearmouth, Durham, draper.—Wm. Davis, Strange-ways, Cheetham, Manchester, plasterer.—Rob. Edw. Walker, Liverpool, ship broker.—Chas. Rose, Leeds, Yorkshire, dyer.

#### FIAT ANNULLED.

Charles Goldsmith, Bristol, saddler.

#### PARTNERSHIPS DISSOLVED.

Wm. F. Cook and Edw. Humphreys, St. Swinith's-lane, London, attorneys at law and solicitors.—Francis Blake and Geo. Tumpkin, King's-road, Bedford-row, Middlesex, attorneys at law and solicitors.—Wm. Bayley and Wm. C. Newby, Stockton, Durham, attorneys and solicitors.—Philip Vaughan and Geo. R. Bevan, Brecon, attorneys and solicitors.

#### SCOTCH SEQUESTRATIONS.

David Weir, Glasgow, innkeeper.—Thomas Lennox, Perth, grocer.

#### INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

Andrew Higgins, Belvidere-place, Southwark-bridge-road, Surrey, out of business, April 28 at 2, Court of Bankruptcy, London.—Nicholas Knight, Brown's-court, Edgeware-road, Marylebone, Middlesex, whitesmith, April 30 at 12, Court of Bankruptcy, London.—Thomas Chapman, Hammersmith, Middlesex, coach builder, April 30 at 12, Court of Bankruptcy, London.—James Cotsworth, Hulme, Manchester, bricklayer, April 29 at 12, District Court of Bankruptcy, Manchester.—Joshua Green, Cheltenham, Gloucestershire, bricklayer, April 30 at 11, District Court of Bankruptcy, Bristol.—James Robinson the younger, Nottingham, coal agent, April 29 at half-past 10, District Court of Bankruptcy, Birmingham.—George Evans, Cheltenham, Gloucestershire, out of bu-

siness, May 15 at 1, District Court of Bankruptcy, Bristol.—*Wm. Brookman*, Ebenezer-terrace, Great Turner-st., White-chapel, Middlesex, auctioneer, April 25 at 2, Court of Bankruptcy, London.—*Wm. Henry Jay*, High-street, Poplar, Middlesex, shoemaker, April 25 at 2, Court of Bankruptcy, London.—*James Thompson*, Maidenhead, Berkshire, brush maker, April 25 at half-past 2, Court of Bankruptcy, London.—*Jean Emile Laurent*, St. Martin's-lane, Middlesex, theatrical manager, April 30 at 12, Court of Bankruptcy, London.—*Wm. Bennett*, Worcester, high constable, May 4 at 1, District Court of Bankruptcy, Birmingham.—*Charles Wood*, Taunton St. Mary Magdalene, Somersetshire, out of business, April 29 at 11, District Court of Bankruptcy, Exeter.—*Jas. Barker*, Exeter, innkeeper, April 30 at 1, District Court of Bankruptcy, Exeter.—*John Thew* the younger, Alnwick, Northumberland, butcher, May 5 at half-past 1, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Matthew Cook*, North Shields, Northumberland, master and part owner of a steam-boat, April 30 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne.—*A. F. C. Stuhmann* the younger, Leeds, tobacco dealer, May 5 at 11, District Court of Bankruptcy, Leeds.—*J. Sedgwick*, Lichfield, cordwainer, April 28 at 11, District Court of Bankruptcy, Birmingham.—*Jas. Chapman*, Cheltenham, Gloucestershire, rope maker, May 1 at 11, District Court of Bankruptcy, Bristol.—*John Henry Ellis*, Godalming, Surrey, out of business, April 24 at half-past 2, Court of Bankruptcy, London.—*Barnabus Rayner*, Stafford-street, Lisson-grove, St. Marylebone, Middlesex, comedian, April 25 at 2, Court of Bankruptcy, London.—*A. Bremner*, Bromley-st., Commercial-road, Middlesex, merchant's clerk, April 24 at half-past 2, Court of Bankruptcy, London.—*Geo. Cornish*, Gloucester-row, Grange-road, Bermondsey, Surrey, tailor, April 25 at 2, Court of Bankruptcy, London.—*Fred. Bozon*, Bucklersbury, London, and Crutched-place, Hoxton New-town, Middlesex, solicitor, April 30 at half-past 12, Court of Bankruptcy, London.—*Thomas Goodman*, Old King-street, Deptford, Kent, out of business, April 30 at 11, Court of Bankruptcy, London.

*Saturday, April 18.*

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*John Nelthorpe*, Louth, Lincolnshire, surgeon, No. 67,152 C.; *Henry Waterland Frost*, assignee.—*Thomas Turner*, Newtown, Montgomeryshire, farmer, No. 67,173 C.; *William Harris*, assignee.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Tuesday, May 5, at 9.*

*Thomas Ward*, Pearl-crescent, Bagnigge-wells-road, Middlesex, commission agent for the sale of coals.—*Henry Wyatt*, Albion-street, Hyde-park, Middlesex, architect.

#### INSOLVENT DEBTOR'S DIVIDEND.

*John Cook* the elder, Ipswich, Suffolk, builder, at Jackman's, Ipswich: 14s. 5d. in the pound.

#### FRIDAY, APRIL 24.

##### BANKRUPTS.

**EDWARD CLIFFORD**, Minster, Isle of Sheppey, Kent, victualler and wheelwright, May 2 at 11, and May 30 at half-past 11, Court of Bankruptcy, London: Off. Ass. Follett; Sols. Butterfield & Venour, 5, Gray's-inn-square, London.—Fiat dated April 17.

**PHILLIP KLEFT**, South-st., Manchester-sq., Middlesex, cheesemonger, April 30 at 2, and May 30 at 11, Court of Bankruptcy, London: Off. Ass. Follett; Sol. Spiller, Canonville-st., Bishopsgate-st.—Fiat dated April 17.

**WILLIAM CHAMBERLAIN**, East Dereham, Norfolk, grocer and draper, May 5 and June 5 at 12, Court of Bankruptcy, London: Off. Ass. Belcher; Sols. Gillman, Norwich; Storey, Gray's-inn-place, London.—Fiat dated April 9.

**THOMAS WILLIAMS**, Fenchurch-street, London, merchant, dealer and chapman, May 1 at 11, and June 5 at 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Pells, Great Winchester-st.—Fiat dated April 20.

**THOMAS JACKSON**, Salterhebble, Halifax, Yorkshire, worsted spinner, dealer and chapman, May 5 and 25 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Stocks & Macauley, Halifax; Courtenay, Leeds; Jaques & Co., Ely-place, London.—Fiat dated April 17.

**THOMAS ELISHA DEACON** and **FREDERICK DAY**, Hemel Hempstead, Hertfordshire, common brewers and maltsters, dealers and chapmen, (trading under the firm of Thos. E. Deacon & Co.), May 7 and June 11 at 11, Court of Bankruptcy, London: Off. Ass. Tarquand; Sol. Gresham, Castle-street, Holborn.—Fiat dated April 21.

**ROBERT BONE**, Durham, grocer, flour dealer, and dealer in provisions, May 4 at 11, and June 12 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Wakley; Sols. Thompson, Durham; Hoyle, Newcastle-upon-Tyne; Crosby & Compton, 3, Church-court, Old Jewry, London.—Fiat dated April 17.

**THOMAS BUCKWORTH**, Nottingham, mercer and draper, dealer and chapman, May 8 and June 13 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sols. Sale & Worthington, Manchester; Motteram & Knowles, Birmingham.—Fiat dated April 11.

**WILLIAM HENRY WILSON** and **RICHARD VAUSE**, Kingston-upon-Hull, merchants, factors, dealers and chapmen, May 6 and 27 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Kynaston; Sols. Holden & Son, Hull; Hick, Gray's Inn, London.—Fiat dated April 15.

**BENJAMIN BENSLEY**, Poolholm, Monmouth, Monmouthshire, out of business, May 5 at 1, and June 9 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sols. Nicholas, Monmouth; Bridges, Bristol.—Fiat dated April 6.

**JAMES BUTTREY**, Manchester, commission agent, dealer and chapman, May 6 and June 10 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Hampson & Son, Manchester; Gregory & Co., Bedford-row, London.—Fiat dated April 18.

**WILLIAM MILLER**, Manchester, manufacturer and commission agent, dealer and chapman, May 7 and 28 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Cooper, Manchester; Gregory & Co., Bedford-row, London.—Fiat dated April 15.

#### MEETINGS.

*Sam. Metcalfe Latham*, Dover, Kent, banker, May 23 and 25, between 10 and 4, Latham's Banking-house, Dover, pr. d.—*William Ireland Newman*, Norton, Gloucestershire, horse dealer, May 7 at 1, District Court of Bankruptcy, Bristol, pr. d.—*Wm. Longbottom* and *Ralph Bentley*, Rochdale, Lancashire, wool merchants, May 7 at 11, District Court of Bankruptcy, Manchester, last ex.—*John Burns*, Norwich, builder, May 18 at 1, Court of Bankruptcy, London, and. ac.—*Alfred Oakley*, Southampton, seedsman, May 18 at 1, Court of Bankruptcy, London, and. ac.—*Victoire Susanne U. Lenormand*, Regent-street, Middlesex, milliner, May 18 at 1, Court of Bankruptcy, London, and. ac.—*Thomas Oakley*, St. Alban's, Hertford, farmer, May 21 at 12, Court of Bankruptcy, London, and. ac.—*J. Dalton*, Wandsworth, Surrey, grocer, May 18 at 1, Court of Bankruptcy, London, and. ac.—*Jos. H. Hipwood*, Cornhill, London, merchant, May 19 at 11, Court of Bankruptcy, London, and. ac.—*Edw. Smyrk*, Hill-street, Windmill-street, Finsbury, Middlesex, upholsterer's fringe manufacturer, May 19 at 1, Court of Bankruptcy, London, and. ac.—*Joseph Lindon*, Plymouth, Devonshire, merchant, May 21 at 1, District Court of Bankruptcy, Exeter, and. ac.; and May 25 at 11, fin. div.—*John Acton*, St. Chad, Lichfield, farmer, May 16 at 11, District Court of Bankruptcy, Birmingham, and. ac.—*Rich. Boulton*, Farmamby, Ellersburn, Yorkshire, innkeeper, May 16 at 11, District Court of Bankruptcy, Leeds, and. ac.—*John Denbigh*, Bradford, Yorkshire, wool merchant, May 16 at 11, District Court of Bankruptcy, Leeds, and. ac.—*Thos. Giles*, Leeds, Yorkshire, joiner, May 16 at 11, District Court of Bankruptcy, Leeds, and. ac.—*Tom Walter Green*, Leeds, Yorkshire, bookseller, May 16 at 11, District Court of Bankruptcy, Leeds, and. ac.; and May 21 at 11, div.—*John Teale*, Leeds, Yorkshire, cabinet maker, May 16 at 11, District Court of Bankruptcy, Leeds, and. ac.—*W. Collinson*, East Butterwick, Lincolnshire, shipwright, May 16 at 11, District Court of Bankruptcy, Leeds, and. ac.; May 21 at 11, div.—*J. Dixon Binks*, Worksop, Nottinghamshire, innkeeper, May 16 at 11, District Court of Bankruptcy, Leeds, and. ac.—*Wm. H. Bell*, Kingston-upon-Hull, seed crusher, May 16 at 11, District Court of Bankruptcy, Leeds, and. ac.; May 21 at 11, div.—*James Martin*, Wood-street, Cheap-side, London, fringe manufacturer, May 18 at 11, Court of Bankruptcy, London, div.—*J. Clark*, Crescent, Minorities, London, merchant, May 19 at 11, Court of Bankruptcy, London, div.—*C.*

*James Baker* and *Edw. James Eastwood*, London, warehousemen, May 19 at 2, Court of Bankruptcy, London, div.—*F. John Ablett* and *Wm. Henry Ablett*, High Holborn, Middlesex, drapers, May 19 at 1, Court of Bankruptcy, London, div.—*Mary Butterfield* and *Thos. Archer Butterfield*, Royston, Hertfordshire, linen drapers, May 19 at half-past 2, Court of Bankruptcy, London, div.—*Isaac Denning*, Titchbourne-st., St. James, Westminster, Middlesex, watch maker, May 19 at half-past 11, Court of Bankruptcy, London, div.—*Thomas Woodyatt Hooper*, Bathurst-street, Hyde-park-gardens, Middlesex, chymist, May 19 at 11, Court of Bankruptcy, London, div.—*John Law*, Ramsden-wood, near Todmorden, and *Eli Hudson*, Gale, near Littleborough, Lancashire, cotton spinners, May 9 at 12, District Court of Bankruptcy, Manchester, fin. div.—*George James*, Leamington Priors, Warwickshire, draper, May 16 at 11, District Court of Bankruptcy, Birmingham, div.—*George Middleton*, Nottingham, wine merchant, May 16 at 11, District Court of Bankruptcy, Birmingham, div.

## CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

*Lewis Reis*, *James Power*, and *Gustavus Koenig*, Fenchurch-street, London, and Wandsworth, Surrey, merchants, May 19 at half-past 1, Court of Bankruptcy, London.—*Wm. W. Sanderson*, Great Russell-street, St. Paul's, Covent-garden, Middlesex, baker, May 15 at 11, Court of Bankruptcy, London.—*Edw. Williams*, Bishopsgate-street, London, linen draper, May 15 at 11, Court of Bankruptcy, London.—*M. Martens*, Basinghall-street, London, cloth factor, May 15 at 1, Court of Bankruptcy, London.—*W. F. Brewster*, Trumpington, Cambridgeshire, out of business, May 18 at 1, Court of Bankruptcy, London.—*Wm. Jas. Harris*, High-street, Southwark, Surrey, tailor, May 16 at 2, Court of Bankruptcy, London.—*Joseph Woodhams*, High-street, Portland-town, Middlesex, plumber, May 15 at 2, Court of Bankruptcy, London.—*Wm. Burrows*, Grove-street, Hampstead-road, Middlesex, builder, May 20 at 11, Court of Bankruptcy, London.—*John Clark*, Crescent, Minorities, London, merchant, May 19 at 11, Court of Bankruptcy, London.—*Chas. Baker* and *Edw. Jas. Eastwood*, London, warehousemen, May 19 at 2, Court of Bankruptcy, London.—*John Coker*, Narford, Norfolk, timber dealer, May 20 at 12, Court of Bankruptcy, London.—*W. Lockwood*, Hightown, Birstal, Yorkshire, worsted spinner, May 21 at 11, District Court of Bankruptcy, Leeds.—*Thomas Harding*, Lichfield, schoolmaster, May 16 at 11, District Court of Bankruptcy, Birmingham.—*James Duke*, Newark-upon-Trent, Nottinghamshire, plaster merchant, May 18 at 11, District Court of Bankruptcy, Birmingham.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before May 15.

*H. M. Naylor*, Birmingham, haberdasher.—*Hen. Frieker*, Southampton, innkeeper.—*Christopher Blackmore*, Cork-st., Middlesex, tailor.—*Thomas Peneller*, Tysoe-street, Spaflds, Middlesex, coal merchant.—*John Warren*, George-street, Hanover-square, Middlesex, surgeon dentist.—*John Carhile*, Little Love-lane, Wood-street, London, commission agent.—*John Wm. Frost*, Back-lane, Kingland-green, Middlesex, coffee dealer.—*John Spefford*, Chatham, Kent, linen draper.—*John Arnold*, Walsall, Staffordshire, woollen draper.—*T. F. Saunders*, Burton-upon-Trent, Staffordshire, brewer.—*R. Headington*, Bath, and Liverpool, laceman.—*John Battye*, Courtney-terrace, Kingland-road, Middlesex, linen draper.—*Robert Guna*, Clare, Suffolk, corn dealer.—*James Hart*, Greenwich, Kent, builder.—*Isaac Denning*, Titchbourne-st., Westminster, watch maker.—*Thomas Davison*, Stockton-upon-Tees, Durham, grocer.—*Alfred Oakley*, Southampton, seedman.—*Edw. P. Best*, Crutched-friars, London, and Greenwich, Kent, wine merchant.—*J. H. Walter*, Southampton-street, Camberwell, Surrey, ironmonger.—*Curtis Williams*, Great Portland-street, St. Marylebone, Middlesex, wine merchant.

## FIATS ANNULLD.

*Thomas Reynolds*, Cow Cross-street, Middlesex, cheese-monger.—*William Beynon*, Birmingham, button, cabinet, brass, and gilt toy manufacturer.

## PARTNERSHIPS DISSOLVED.

*David Thomas* and *Evan Thomas*, Brecon, Breconshire, attorneys at law and solicitors.—*Wm. Robinson* and *Thos. G. Dodson*, Lancaster, attorneys at law and solicitors.

## SECTON SEQUESTRATIONS.

*John McLeay*, Avoch, Ross-shire, merchant.—*Jos. Murray* & *Robt. Stewart*, Paisley, publishers.

## INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

*Edward Simmons*, Hatfield Peverel, Essex, butcher, May 7 at 11, Court of Bankruptcy, London.—*John Willcox*, Whitecross-street, Southwark, Surrey, carman, May 7 at 11, Court of Bankruptcy, London.—*Augusta Bott*, Thornton-heath, Croydon, Surrey, boarding-house keeper, May 7 at 11, Court of Bankruptcy, London.—*Samuel Jameson*, Bellevue-place, Blue Anchor-road, Bermondsey, Surrey, warehouseman, May 6 at 11, Court of Bankruptcy, London.—*James Hill*, Bury, near Arundel, Sussex, farmer, May 6 at 11, Court of Bankruptcy, London.—*Ann Hughes*, Edwards-square, Kensington, widow, boarding-house keeper, May 6 at 11, Court of Bankruptcy, London.—*George James Grimes*, Mitcham, Surrey, chymical light maker, April 28 at 1, Court of Bankruptcy, London.—*John McDonald*, York-road, Lambeth, Surrey, gentleman, April 30 at 12, Court of Bankruptcy, London.—*Henry Jordan*, Kingston-upon-Hull, out of business, May 6 at 11, District Court of Bankruptcy, Leeds.—*H. Smithies*, Halifax, Yorkshire, manufacturer of woollens, April 28 at 11, District Court of Bankruptcy, Leeds.—*William Maddock*, Liverpool, coal merchant, April 28 at 11, District Court of Bankruptcy, Liverpool.—*John Walker*, Liversedge, Yorkshire, farmer, May 7 at 11, District Court of Bankruptcy, Leeds.—*S. Sowry*, Wakefield, Yorkshire, tailor and woollen draper, May 7 at 11, District Court of Bankruptcy, Leeds.—*Joseph Ashworth*, Browbridge, Halifax, Yorkshire, small shopkeeper, May 7 at 11, District Court of Bankruptcy, Leeds.—*John Moore*, Manchester, seedman, May 4 at 12, District Court of Bankruptcy, Manchester.—*Geo. Cawson*, Manchester, butcher, May 8 at 12, District Court of Bankruptcy, Manchester.—*George Grant Cockell*, Lymcombe and Widcombe, Bath, Somersetshire, carpenter, May 5 at 11, District Court of Bankruptcy, Bristol.—*James Crosby*, Knotty Ash, West Derby, Walton-on-the-Hill, Lancashire, grocer, May 4 at 11, District Court of Bankruptcy, Liverpool.—*Jos. Nichols*, Wakefield, Yorkshire, joiner, April 28 at 11, District Court of Bankruptcy, Leeds.—*John Waterton*, South Kirkby, Yorkshire, saddler, April 28 at 11, District Court of Bankruptcy, Leeds.—*John Myers*, Yeadon, Yorkshire, cloth manufacturer, April 28 at 11, District Court of Bankruptcy, Leeds.—*Rich. Walkley*, New Radford, Nottinghamshire, May 1 at 11, Cutlers'-hall, Sheffield.—*Jos. Deese*, Eccleshill, Bradford, Yorkshire, out of business, April 28 at 11, District Court of Bankruptcy, Leeds.—*Chas. Blake*, Potter Newton, near Leeds, Yorkshire, accountant's clerk, April 28 at 11, District Court of Bankruptcy, Leeds.—*Anthony Thompson*, Sberburn, Durham, joiner, May 4 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne.

The following Prisoners are ordered to be brought up before the Court, at Portugal-st., on Friday, May 8, at 9.

*John Wilson* the younger, Liverpool-street, Bishopgate-street, London, wharfinger.—*J. Austin Fowler*, Ilfracombe, North Devonshire, out of business.

May 11, at the same hour and place.

*John Allen*, Lewisham-street, Princess-street, Westminster, Middlesex, out of business.—*James Morris*, Fig Tree-court, Barbican, London, out of business.—*Richard Stevens*, Fountain-yard, Broadway, Deptford, Kent, foreman to a carman.—*Thomas Henshall Davis*, Arabella-row, Pimlico, Middlesex, carver and gilder.—*Wm. E. Reusch*, Upper Crown-street, Duke-street, Westminster, Middlesex, merchant.—*Chas. S. Sweeney*, North-street, Westminster, Middlesex, doctor of medicine.

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# The Jurist

No. 486—VOL. X.

MAY 2, 1846.

PRICE 1s.

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LONDON, MAY 2, 1846.

By the 24 Geo. 2, c. 44, it is enacted, that no writ shall be sued out against, nor any copy of any process at the suit of a subject shall be served on, any justice of the peace, for anything by him done in the execution of his office, until notice in writing of such intended writ or process shall have been delivered to him, or left at the usual place of his abode, by the attorney or agent for the party who intends to sue, or cause the same to be sued out or served at least one calendar month before the suing out or serving the same; in which notice shall be *clearly and explicitly contained the cause of action which such party hath or claimeth to have against such justice of the peace.* And by the 3rd and 5th sections the plaintiff is not to recover any verdict in case the action shall be grounded on an act of the defendant as justice of the peace, unless it is proved on the trial that the notice was given; and no evidence is to be given by the plaintiff upon the trial of any cause of action except such as is contained in the notice. By the 5 & 6 Vict. c. 37, s. 4, the law is rendered uniform as to these notices of action, and they are required in all cases to be given one calendar month at least before the action is commenced.

What is a sufficient notice under the above provision is frequently a question of great nicety, and it has often happened, that persons, having a good ground of complaint against magistrates, have been deprived of redress by a mistake in the notice, and it being impossible, in consequence of the time for bringing the action being limited, to serve a fresh notice. There are, however, some cases of modern date, by an examination of which we may now be able to obtain a tolerably safe guide for the future. The first and most frequently quoted of these is *Martins v. Upcher*, reported in 3 Q. B. 862, in which the notice was in the following form:

—"For that you, on the 5th day of October, A.D. 1840, with force and arms, caused an assault to be made on the said Martin Martins, and then caused him to be apprehended, seized, and laid hold of, and to be forced, and compelled to go as a prisoner and in custody, in, through, and along divers public highways, to a certain dwelling-house, and there caused him to be imprisoned and detained in prison for a long time, to wit, for twelve hours then next following, at the expiration of which time you again forced and compelled the said Martin Martins to go as a prisoner and in custody, from and out of the said dwelling-house, into, through, and along divers other public highways, to a prison and house of correction, and to be there imprisoned, kept, and detained in prison there for a long time, to wit, for three months then next following, whereby" &c. It will be observed, that, in the above notice, the place at which the trespass was committed is nowhere specified; and upon this objection being taken to it at the trial, the plaintiff was nonsuited: and the court, in banc afterwards held the nonsuit to be right. "This appears," said Lord Denman, C. J., "to be the first case on which a decision on the point now before us has been called for in Westminster Hall. An inference might be suggested from the point not having been raised in banc before; but that, I think, would not be safe. Indeed, it is not certain that the question may not have arisen, but have remained unnoticed in the reports, because the actual decisions have been upon other points. I decide, however, on the language of the act, which requires that the causes of action 'shall be clearly and explicitly contained' in the notice. Unless both time and place be inserted, the cause is not clearly and explicitly contained."

The next case was *Breese v. Jordein*, (4 Q. B. 585), in which the notice ran thus: "You having, ~~equ~~ about the 27th day of May now last past, caused Daniel



Breese, of Pwllheli, in the county of Carnarvon, gentleman, to be apprehended and detained in custody, without any reasonable or probable cause whatsoever, for the space of three hours then next following, and having afterwards caused him to be committed to a certain common gaol or prison, called the Compter, in the city of London, and to be there imprisoned, and kept and detained in prison there, without any reasonable or probable cause whatsoever, for a further space of time, to wit, for the space of twelve hours next following, I do, therefore, as the attorney of and for the said Daniel Breese in this behalf, hereby give you and each of you notice," &c. In this notice it will be seen that the place of apprehension and detainer on the 27th of May is not stated; and though the place of the imprisonment, in the Compter, is stated, it is not stated when that was. "Having afterwards" is too indefinite, and may mean on the 27th, or some other day. For this omission the notice was held bad, on the authority of *Martins v. Upcher*.

Lastly, in *Jacklin v. Fytche*, (14 Mee. & W. 381), the notice was in the following words:—"For that you, on the 10th day of May, in the year of our Lord 1844, with force and arms, caused an assault to be made upon me, and then caused me to be beaten, seized, and laid hold of, and to be forced and compelled to go into, along, and through divers public streets and roads to a certain prison, to wit, at Louth, in the said parts, and to be unlawfully imprisoned, and kept and detained in prison there, in a dark and unwholesome place there, without any reasonable or justifiable cause whatever, for a long space of time, to wit, for the space of forty days then next following, contrary to the laws and customs of this realm, and against the will of me the said William Jacklin." At the trial, (and this it will be important to bear in mind), the only evidence given was, that the plaintiff was delivered into the custody of the gaoler of the house of correction at Louth, upon a warrant of commitment for two calendar months to hard labour, signed by the defendants, under the Master and Servant Act, 4 Geo. 4, c. 34, which was admitted to be invalid. And it was objected, for the defendants, that the notice of action was insufficient, inasmuch as no place was alleged with respect to the assault and original imprisonment. Upon the question being brought before the court, on a motion to enter a nonsuit, they decided, that, as far as regarded the imprisonment at Louth, the trespass was properly described, and that being the only part proved, the notice was sufficient. The first part of the notice was apparently bad, according to *Martins v. Upcher*, as the place where the assault was committed was not expressly stated. It may still, however, admit of doubt, whether, even as to the assault, the notice was not good; and the remark of Rolfe, B., in his judgment, deserves attention. He says, "If the case of *Martins v. Upcher* be admitted to be good law, it does not necessarily follow, that the first part of this notice is bad, because there no place was mentioned; it was left in this respect in perfect ambiguity. Here, I should say that it is the description of one continued act, concluding with the imprisonment at Louth. I doubt very much, therefore, whether even that part of the statement is not sufficient." And Baron Parke

says he is very much disposed to concur in the above opinion.

These cases shew the necessity of carefully inserting, in such notices as the above, the time and place at which every act of trespass complained of is committed. We say every act, because, notwithstanding the judgment quoted above, we should not advise any one to rely upon a notice like that in *Jacklin v. Fytche*.

Whether any substantial good is obtained by requiring such notices, may well be questioned. To us it appears that the whole law as to actions against magistrates requires revision. If they are to be protected at all when they have acted fairly and bona fide, it ought to be by some more efficient means than exist at present; and, if they deserve no protection, a plaintiff ought not to be hampered by having to go through more formal proceedings than in other cases.

### Rebriew.

*A Treatise on the Law relating to Patent Privileges, &c.*  
By WILLIAM HINDMARCH, Esq., Barrister.

[Sevens & Norton. 1846.]

(Continued from p. 152).

It is, of course, well known to those whose practice has led them to the consideration of the law of patents, and it will be readily imagined by others, that, on such questions as whether the designation of an invention contained in the petition for a patent, is a correct designation; or what is a *manufacture* within the meaning of the statute; distinctions of the finest and most technical kind have been taken, and that the authorities are numerous, and require the greatest care in considering them. This part of the subject Mr. Hindmarch has discussed very ably in the 10th chapter of his work, treating of the grant and its construction, (title "Of the Recital," p. 40), and in the first title of the 5th chapter, treating of the nature of the art. (P. 77). In the latter chapter he has rendered an acceptable service to the Profession, by referring (for the purpose of illustrating the doctrine, that the Statute of Monopolies did not create any new rights as to the granting of letters-patent) to several old authorities, which have not been usually cited in text-books on the law of patents, (see, in particular, pp. 81, 82, 83), and which assist materially in throwing light upon the construction of the statute.

On the difficult and much debated question, to what extent or in what sense a principle may be the subject of a patent, Mr. Hindmarch's observations appear to us very pertinent and instructive:—

"It is clear," he says, (p. 90), "that first principles, such as the fundamental laws of mechanics, chemistry, or any other science, cannot be made the subject of a patent privilege. First principles are capable of an endless variety of uses or applications, and they are the common property of all men, who are at liberty to make any use of them they may think fit, or apply them in any manner their ingenuity may suggest, provided they do not attempt to appropriate to themselves exclusively any ground pre-occupied by any other person. No principle or primary law of science can of itself, and apart from the practical application of it, be capable of producing any vendible article of manufacture; and, therefore, unless a person who discovers such a principle or law makes some practical use of it, so as to produce some article which the public requires and will purchase, he cannot give the public the consideration which the law requires to be given for the grant of a sole privilege. The object in law

'was not to reward mere speculative discovery, but to encourage industry, and to procure for the public the benefit of new manufactures.

"But every art or invention must adopt principle, or include the application of it to some extent, and the principle of an invention thus becomes an essential part of it; indeed, any new art which is made the subject of a grant by the Crown, can only be some new practical application of principles or laws which has been invented by the patentee for the purpose of producing articles of manufacture useful to the public.

"The word 'principle' is frequently used in such phrases as 'principle of the invention,' to designate some peculiar mode or method of constructing anything according to a particular invention. In this sense, a principle signifies the particular practical application of some principle or principles for the purposes of an invention, which is, properly speaking, an art. Thus, the principle of an invention of a new machine signifies the peculiar art by means of which the new machine is constructed. There is nothing improper in this use of the word 'principle,' and when it is used, that is, when it is used to designate the peculiar mode of constructing anything according to an invention, it is clearly an art which may be made the subject of a patent privilege."

The different matters relating to the specification, the prolongation of letters-patent, alterations and disclaimers, &c., are all very fully discussed by Mr. Hindmarch, and, as we have already observed, he has, to the best of our knowledge, suffered no case of any importance to escape his notice. In the chapter on the specification, he has adopted the convenient plan of stating a series of propositions as general rules, illustrating each by a series of authorities on which it is based. Thus:—"The patentee," he lays down as the first rule, "must, in his specification, describe the invention which is comprised in his patent, and not any other. And if it appears that there is any variance, or that the invention as described in the specification is not precisely similar to that mentioned in the patent, the patent will be void." This position the author supports by referring to *Res v. Wheeler* (2 B. & Ald. 345) and *Campion v. Kenyon*, (6 B. Moore, 82). The second is, "that the patentee must, in his specification, make a full disclosure of the nature of his invention, and of the manner in which it is to be performed." And, on this, reference is made to *Res v. Arkwright*, (Dav. Pat. Cas. 61); *Turner v. Winter*, (Dav. Pat. Cas. 151); *Lewis v. Marling*, 10 B. & C. 22, and other cases. And so on, the author proceeds to lay down twenty-four general rules for the guidance of those who have to frame specifications. It would have been convenient to the reader, if the general propositions had been printed as a separate series at the bottom of the pages in which they occur, in the manner adopted by Mr. Butler, in the 9th edition of *Fearne's Contingent Remainders*.

Our time and space prevent us from fully analysing the whole of Mr. Hindmarch's treatise. Suffice it to say, that he appears to have taken the utmost pains to omit nothing that could be useful to the professional reader; that, in particular, he is very full upon the subject of proceedings at law and in equity in respect to the attack or protection of patent rights, and that he concludes his volume by a copious collection of forms and precedents, useful in practice.

In the chapter on proceedings in equity, we find some statements, with regard to applications for injunctions, which appear to us calculated, to some extent, to mislead. The author lays it down, on the authority of *Hill v. Thompson* (3 Mer. 626) and *Sturt v. Delarue* (5 Russ. 322), that, whenever an interlocutory application for an injunction to restrain infringement of a patent is made, whether it be ex parte or upon notice, it must

be supported by an affidavit of the applicant's belief, that he is, at the time of swearing it, the true and first inventor. This rule is undoubtedly one proper to be observed by a prudent plaintiff before making his application; but, if it be meant that it would be equally safe in all cases for the defendant to rely upon the objection to a motion for an injunction, that the plaintiff has not filed such an affidavit, then we conceive it doubtful whether the doctrine can be considered so settled. *Hill v. Thompson* came on upon a motion to dissolve an injunction which had been obtained ex parte, upon an affidavit generally swearing to the applicant's belief that he was the inventor of the improvements mentioned in the specification; and Lord Eldon's observations were distinctly and exclusively pointed at ex parte applications: he said, "When, in future, an injunction is applied for ex parte, on the ground of violation of a right to an invention secured by patent, it must be understood that it is incumbent on the party making the application to swear, at the time of making it, as to his belief that he is the inventor. For although, when he obtained his patent, he might very honestly have sworn as to his belief of such being the fact, yet circumstances might have subsequently intervened, or information been communicated, sufficient to convince him that it was not his own original invention, and that he was under a mistake when he made his previous declaration to that effect."

But Lord Eldon did not say, and, we apprehend, never could have meant to say, that such an affidavit is necessary where a motion is made for an injunction upon notice. When a party alleging himself to be a patentee, applies ex parte for an injunction, he applies, upon the assertion of a legal title which is not in him unless he fills a certain character, for an order, which, if he have not such legal title, would interfere with the defendant's common-law right. It is, therefore, a perfectly rational condition to impose upon him, that, before he asks the court to run the risk of doing such an injustice to the defendant, he shall go beyond the mere production of such his apparent title, and at least pledge his own belief that his title is valid; that is, shall produce to the court the only evidence of title that the ex parte nature of the proceedings permits. But, when he moves upon notice, the production and proof of the grant are of themselves proof of the applicant's title, until it is denied by the defendant's evidence.

Suppose the case of a motion for an injunction, and the plaintiff producing and proving the grant. The defendant meets the motion, neither admitting nor denying the validity of the legal title, but resting his defence merely on the fact of no infringement. Will it be contended that the court would put the plaintiff to prove, by affidavit, his belief that he is the inventor? Suppose, on the other hand, the defendant denies that the plaintiff is the true inventor. The plaintiff must then, by affidavit or otherwise, establish the fact that he is the true inventor, not because such evidence is *prima facie* necessary ultra the proof afforded by the grant itself, but because the fact which the grant itself presumes, is denied; and the court would be bound to believe the evidence of the defendant, if it is not contradicted. We conceive that it is not the belief of the patentee that he is the inventor, that is necessary at all to support his patent. The plaintiff's affidavit of belief is no more than evidence of a fact—the fact that he is the inventor; liable, like any other piece of evidence, to be strengthened or weakened, or altogether rebutted, by other evidence; and the ground for requiring it on an ex parte motion, viz. the circumstance of its being the best evidence then accessible, and the court being unprotected except by such evidence, fails totally upon a motion made on notice, when the defendant can deny the plaintiff's title, and the court can hear all the evidence that both parties shall think fit to offer upon the

question, whether the plaintiff is the true inventor or not. A strong proof that the plaintiff's belief is immaterial, except as evidence of the fact, is, that, if the motion is made upon notice after answer, no affidavit, at least as to title, could be read against the answer, but the injunction must stand or fall upon the answer; which shews that the affidavit is not material, when the court has such other evidence to proceed upon, as the nature of the proceeding permits to be produced.

*Sturtz v. De la Rue* (5 Russ. 322) was also a motion to dissolve an ex parte injunction. The argument for costs in that case had reference to the injunction that had been obtained, that is, an ex parte injunction; and though the Lord Chancellor, in his judgment, does not in terms refer to an ex parte injunction, but says an injunction generally, yet, as he was dealing with an ex parte injunction, there can be no question, that, whatever might have been the opinion given by him upon the point, if it had arisen, he was, in *Sturtz v. De la Rue*, not considering it, but thinking and speaking only of an ex parte injunction. *Neilson v. Thompson*, cited by Mr. Hindmarch, (p. 334), is, so far as it goes, an authority that the doctrine of *Hill v. Thompson* does not apply to a motion made upon notice. We should conclude, from the authorities and upon the reason of the thing, that, though it will always be prudent to file an affidavit as to the belief of the inventor, before moving for an injunction, as well upon notice as ex parte, it is very doubtful whether a defendant could successfully resist a motion made on notice, on no other ground than the absence of such an affidavit.

To return to Mr. Hindmarch's work, we should particularly recommend to the perusal of solicitors the chapter on the practice in obtaining patents and in proceeding under Lord Brougham's act, (pp. 503 et seq.), which is clearly and fully set forth; and with this observation we shall now conclude our notice of this book, pronouncing it a useful addition to the libraries of those lawyers who have, or desire to have, anything to do with patents.

### Correspondence.

TO THE EDITOR OF "THE JURIST."

SIR,—I should have written to you a fortnight since, had I not thought that J. W. would probably expose some of the inaccuracies of G. S., and, therefore, waited, in order to see J. W.'s remarks, before I offered any of my own. It seems, however, that I have waited in vain; and I now trust you will permit me, albeit at the eleventh hour, to avail myself of your columns, in order to expose the gross inaccuracies and misrepresentations of G. S.

The second paragraph of G. S. contains the following words:—"When J. W. expounds the rules of the common law, and their application to particular cases, no one can desire a sounder or more perspicuous guide," &c. In his very next paragraph he proceeds, "J. W. may have proved, for aught I know, that, at the common law," &c. And, again, a little further on, "I fully admit all that is expressed and implied by J. W.'s authorities." (Ante, p. 132).

Now, it seems to me that the second of these quotations is not exactly consistent with the first and third. Has G. S., I would ask, carefully read and followed J. W.'s arguments, and the authorities on which they are based? Unless he has done so, he should not have presumed to term him a sound and perspicuous guide, or to declare that he admits all that is "expressed and implied by his authorities." On the other hand, if he has done so, he must surely be prepared to say, whether, in his opinion, J. W. has, or has not, proved the points in question; and the words "for aught I know," &c. seem, in such case, utterly out of place.

On a former occasion I remarked, that J. W., in considering the case of estates tail before that of estates in fee simple, adopted an illogical and unnatural arrangement; and I do not see the least reason to alter the opinion then expressed of J. W.'s merits as a guide in such investigations, in consequence of any of the *naked assertions* of G. S., who has not condescended to support his views on this subject by any arguments.

The following passage, in addition to the misrepresentation it contains, seems to shew that G. S. has fallen into a similar error:—"But I say that the case of a fee simple was entirely different, and that J. W.'s position, (echoed by J. C. C.), that, if the heir of a person had been discovered for the purposes of an estate tail, the same individual would also be heir of the same person for the purposes of the descent of an estate in fee simple, is quite erroneous; the coincidence is always accidental. He will not deny this on a case being put," &c. (Ante, p. 132). This passage commences by a gross misrepresentation. J. C. C. nowhere echoes J. W.'s position. His (J. C. C.'s) words (ante, p. 113) are, "We deny that J. W. has proved his position as to the course of a descent tail, and, therefore, need not say more as to his inferences therefrom." But, although we never echoed J. W.'s position, (to adopt the most incongruous metaphor of G. S.), we are not prepared to admit that it is so erroneous as he asserts. We deny that the coincidence was, as he tells us, always accidental, and submit, that, had he not followed the illogical order of investigation adopted by J. W., he would have seen that a descent in fee tail was merely a descent in fee simple narrowed by the Statute de Donis, and, therefore, must not, by "accident," but as a necessary consequence, have coincided whenever the descent of a fee simple kept within the stricter bounds created by that statute for a descent in fee tail general.

The case put by G. S. is that of a fee tail male, to which more restricted species of the genus fee tail the position of J. W. did not extend; but probably G. S. would argue, that, because every fee tail male is a fee tail, it follows that every fee tail is a fee tail male; if not, it is impossible to guess how he means the case he puts to apply.

G. S. proceeds to notice some of the anomalies incident to an estate in fee tail, and the differences which distinguish it from an estate in fee simple. I am still inclined to think that the explanation of these difficulties suggested in my former letter is the correct one; nor am I prepared to allow that the opinion of the editor of Bythewood (vol. 1, p. 139) is erroneous. I fully see the force of the arguments of G. S. on this subject, but cannot admit them to be conclusive; on the contrary, I am still inclined to think, that, in the case supposed, the death of a coparcener before entry under the old law, it would be more correct to say, that a reiterated or successive descent would have taken place, than to say, that, until entry, the inheritance remains vacant. Can the inheritance, I would ask, ever be vacant, even for a moment? and does not the law cast it on the heir for the time being immediately on the death of the ancestor, or other party dying entitled? It is true, that the heir, on whom the inheritance is so cast, may neglect to improve his legal seisin into such an estate as would constitute him a fresh root of descent; but can his so neglecting to perfect his inchoate right to become such root, make the descent cast upon him by act of law any the less a descent? If he so neglect to make himself a root of descent, two successive heirs, no doubt, will both claim in the same right, i. e. each as heir (pro tanto) for the time being to their common ancestor, and may, therefore, constitute but one degree for some purposes; but they are not the less two successive heirs, and must, therefore, we maintain, inherit by virtue of two successive descents.

It is not possible to go fully into this question here;

but I may remark, that it seems clear, that successive descents of a reversion were possible under the old law, although each successive heir was obliged to make himself heir to the creator of the reversion. The estate of such successive heirs, although seisin was impossible, admitted (by the creation of a fresh reversion, or by other alienation) of being improved into such an estate as constituted any heir so improving it a root of descent; and, therefore, as each successive heir might have exercised such ownership, had he chosen, the law would not allow creditors' claims to be in all cases defeated by the heir of a reversion having neglected so to do. It seems but fair, that the law should regard every deceased person's estate as assets for the benefit of creditors, to the full extent to which the deceased owner might in his lifetime have alienated it; and we think G. S. lays too much stress on the fact of an estate being assets, &c. It is clear, that the fact of an estate of inheritance being assets for the benefit of a deceased person's creditors, does not, as he seems to assert, (ante, p. 133), necessarily prove that the descent thereof would devolve on his heirs as such, or, in other words, that he was an actual root of descent thereof. It would be nearer the truth to say, that it proves that he had it in his power to become such root, had he taken proper steps to do so; but I do not pretend to lay this down as an invariable rule.

"Quot heredes tot descensus" would be a brief statement of my view of the subject, against which the case of several coparceners would not militate, for they constitute between them only one single composite heir. And I should define a descent to be, *that momentary change of ownership which takes place when any estate of inheritance is set in motion by the death of the person last entitled thereto*. If this be not so, a descent is not the thing we have always deemed it. We have good authority for asserting, that the "descensus" to the dead is "*facilis*;" we had always deemed the "descensus" from the dead equally so. If, however, G. S. be right, we must look for some less classical epithet, and admit that the laws of legal gravitation are very tolerant of temporary suspension. But this, perhaps, ought not to surprise us, as no fact is more certain, than that they occasionally propel the weightiest things, broad acres, for instance, upwards.

It should, however, be here remarked, that G. S. might consistently argue, that, since the new statute, the inheritance remains vacant until some act of purchase; and that, from the death of the last purchaser to such act of purchase by some one of his successive heirs, is but one descent. For the statute seems to me simply to create a new requisite, in order to constitute a root of descent.

G. S. proceeds to write, (ante, p. 133), "J. W. notices, as an objection," &c. I reply, J. W. does no such thing in either of his papers! So much for the accuracy of G. S.

G. S. concludes with some remarks on J. W.'s difficulties as to curtesy. I do not agree with these remarks; but cannot here do more than refer to the remarks on the rationale of the question contained in my former letter, and would beg to invite particular attention to my quotations from Coke and Preston.

These names remind me of another gross misrepresentation of G. S.'s. "I am not," quoth he, (ante, p. 132), "hardy enough to dispute J. W.'s authorities, as J. C. C. does, or to assert with J. C. C., that such lawyers as Littleton and Coke were likely to forget all their learning, except so far as it might bear on the very question for the time being under consideration."

With this compare the three following passages of J. C. C.'s, the first of which supposes not that Coke—of Littleton nothing whatever is said—that was likely to forget his learning on any point, but that he might possibly, through carelessness or haste, pass over a point

unnoticed, and so miss an opportunity of applying his ever-ready stores of legal learning. The words used are, "that, accurate writer as Coke is, he used the expression loosely, and, as other of our greatest authorities have done, while deciding one point in a case, did not perceive another, which might also have been raised." (Ante, p. 113). And, again, "J. W. boldly proposes that the authorities are erroneous. When we state that Littleton is the person &c., and that Blackstone, Hargreave, and Preston follow on the same side, the reader will scarcely be surprised when he finds us prepared to indulge a sort of legal prejudice, and take our chance with them, rather than with J. W." (Ante, p. 115). Or, again, "Coke is an authority we are bound to follow when he tells us what the law on any point is, but" &c. (Ante, p. 116). I most positively assert that G. S. cannot, in my former letter, find any stronger passages in justification of his misrepresentation. What I did was to examine J. W.'s authorities. I greatly doubt G. S.'s having done so.

On the whole, it seems that G. S.'s view of the course of descent under the new statute coincides with that maintained in my former letter; but on this point I cannot feel very certain, so admirable is the ambiguity, so curious the confusion, of G. S.'s English style. I will only extract one example: "On the death of the purchaser's daughter after entry, her son and his aunts take by descent from the daughter, and as *her heir*: the act has performed its office when it has furnished the rule for ascertaining these persons." (Ante, p. 133). I should be really glad to have this sentence explained. The most natural meaning of the words seems to be, that, in the case proposed, the act furnishes us with a rule for ascertaining these persons, i. e. the purchaser's daughter's son and his aunts; and here, too, G. S. would, perhaps, tell us, "that no one can desire a sounder and more perspicuous guide." I should, however, prefer trusting to family Bibles and parish registers.

In conclusion, I must again apologise for trespassing so largely on your valuable columns, but feel sure, that, as you have inserted the misrepresentations of G. S., you will not deny me an opportunity of answering them.

J. C. C.

## COURT OF QUEEN'S BENCH.

*April 25.*—Lord Denman, C. J., delivered the judgment of the court in the following cases, tried at the sittings after last term or during the Spring Circuit, in which rules had been moved for:—

*Defries v. Littlewood*—Rule nisi.  
*Saunders v. The Guardians of St. Neot's Union*—Rule refused.  
*Tennant v. Craston*—Rule refused.  
*Ellis v. Abrahams*—Rule refused.  
*Roe v. The Marquis of Westmeath*—Rule refused.  
*Vincent v. Dore*—Rule nisi.  
*Hill v. Haywood*—Rule nisi.  
*Lewis v. Samuel*—Rule refused.  
*Green v. Wincott*—Rule refused.  
*Humphrys v. Marsh*—Rule refused.

*April 27.*—Lord Denman, C. J., delivered the judgment of the court in the following cases:—

*Reg. v. Douglas*—Objections in arrest of judgment overruled; rule for a new trial to be argued on Saturday, May 23.  
*Solomon v. Lawson*—Rule absolute for arresting judgment.  
*Griffith v. Lewis*—Rule discharged.  
*Alfred v. Farlow*—Rule discharged.

And in the following case, tried on the Northern Circuit:—

*Hill v. Maynard*—Rule nisi.

The court directed that all the cases in which a rule nisi in arrest of judgment had been or shall be granted, should be put down in the Special Paper, instead of the New Trial Paper.

**April 30.**—The court will, on Monday next, May 4, give judgment in the following cases:—

Barnes v. Shore  
Reg. v. Conyers  
Reg. v. Felham  
Reg. v. Jesse Hall

Bodmer v. Butterworth  
Gillett v. Whitmarsh  
Holford v. Bailey  
Doe d. Dark v. Bowditch

The court will sit on Saturday, the 9th, and Monday, the 11th days of May next, and proceed in disposing of the business in the Special Paper and New Trial Paper, and give judgment in cases then pending.

### London Gazette.

TUESDAY, APRIL 23.

#### BANKRUPTS.

**CHARLES JOHN BOND**, Tranquil-vale, Blackheath, Kent, tailor, May 8 and June 12 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Engleheart, Great Knight Rider-st., Doctors'-commons.—Fiat dated April 22.

**HANNAH WALDUCK**, widow, Nelson-square, Blackfriars-road, Surrey, dealer and chapwoman, May 5 at 2, and June 9 at 11, Court of Bankruptcy, London: Off. Ass. Alsager; Sol. Bevan, 6, Old Jewry.—Fiat dated April 27.

**JAMES LAWS**, Broad-street, Golden-square, Middlesex, grocer and tea dealer, May 12 at 2, and June 9 at half-past 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Burn, Great Carter-lane, Doctors'-commons.—Fiat dated April 24.

**CHARLES PULLING**, Hay's-wharf, Tooley-street, and Trinity-square, Southwark, Surrey, potato salesman, dealer and chapman, May 12 at half-past 2, and June 9 at 2, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Maples & Co., Frederick's-place, Old Jewry.—Fiat dated April 13.

**ALFRED BIRCHALL**, Manchester, share broker, May 14 and June 11 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Sale, Manchester; Reed & Langford, Friday-street, Cheapside, London.—Fiat dated April 20.

**JAMES HAMPSON**, Manchester, iron founder and machine maker, dealer and chapman, May 14 and June 11 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Coppock & Woollam, Stockport; Coppock, Cleveland-row, St. James's-square, London.—Fiat dated April 17.

**THOMAS CREWDSON**, Liverpool, stock and share broker, May 7 at 11, and May 29 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sols. Green, Liverpool; Gregory & Co., Bedford-row, London.—Fiat dated April 21.

**OWEN HUGHES**, Holyhead, Anglesea, Carnarvonshire, linen draper, dealer and chapman, May 15 and 29 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Caze-nove; Sols. Roberts, Carnarvon; Curry & Co., Liverpool; Sweeting & Byrne, Southampton-buildings, Chancery-lane, London.—Fiat dated March 28.

**GEORGE LEATHER and CHARLES WETHERELL WARDLE**, Holbeck, Leeds, Yorkshire, earthenware manufacturers, dealers and chapmen, May 14 and June 18 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Shackleton, Leeds; Sudlow & Co., 20, Chancery-lane, London.—Fiat dated April 21.

**EDWARD HILL**, Stourport, Worcestershire, hosier, dealer and chapman, May 11 and June 8 at 1, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Pritchard & Ingram, Stourport; Rawlins, Birmingham.—Fiat dated April 21.

**WILLIAM PERRY**, Wolverhampton, Staffordshire, iron founder, dealer and chapman, May 9 and June 6 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Bennett & Thorne, Wolverhampton.—Fiat dated April 15.

**JOHN PARSONS**, Wolverhampton, Staffordshire, edge tool manufacturer, May 8 and June 13 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Mot-teram & Knowles, Birmingham.—Fiat dated April 22.

#### MARRIAGES.

**John Roberts**, Kidderminster, Worcestershire, clothier, May 22 at 11, Court of Bankruptcy, London, and ac.—**George Simpkins**, Faversham, Kent, tailor, May 22 at 11, Court of Bankruptcy, London, and ac.—**Sam. Harrison**, Poole, provision merchant, May 20 at half-past 12, Court of Bankruptcy, London, and ac.—**Richard Blacklocks**, Lydd, Kent, innkeeper, May 20 at 11, Court of Bankruptcy, London, and ac.—**Thomas Ellis**, Great St. Helen's, St. Helen's, London, wine merchant, May 20 at 12, Court of Bankruptcy, London, and ac.—**Jas. Nunn**, Baker-street, Portman-sq., Middlesex, haberdasher, May 21 at 12, Court of Bankruptcy, London, and ac.—**William Buchanan**, Old Jewry-chambers, London, merchant, May 20 at half-past 1, Court of Bankruptcy, London, and ac.—**Henry Lake**, Cheltenham, Gloucestershire, printer, May 21 at 12, District Court of Bankruptcy, Bristol, and ac.—**John Thomas**, Bristol, marble mason, May 21 at 12, District Court of Bankruptcy, Bristol, and ac.—**Thomas Knight and Michael Thos. Knight**, St. Peter and St. Paul, Bath, Somersetshire, upholsterers, May 21 at 11, District Court of Bankruptcy, Bristol, and ac.; May 26 at 11, div.—**Benj. Hewitt, Eddowes Bowman, and John B. Bowman**, Nantwich, Cheshire, bankers, May 19 at 11, District Court of Bankruptcy, Liverpool, and ac.—**Thos. Hodgson**, Liverpool, bookseller, May 19 at half-past 11, District Court of Bankruptcy, Liverpool, and ac.—**Peter Owen**, Liverpool, miller, May 22 at 11, District Court of Bankruptcy, Liverpool, and ac.—**John Brock**, Chester, innkeeper, May 22 at 11, District Court of Bankruptcy, Liverpool, and ac.—**Rich. Edwards**, Huddersfield, Yorkshire, woollen draper, May 23 at 11, District Court of Bankruptcy, Leeds, and ac.; May 28 at 11, div.—**John Holroyd and Robert S. Holroyd**, Seaford, Halifax, Yorkshire, cotton spinners, May 30 at 11, District Court of Bankruptcy, Leeds, and ac.—**James Walter the younger**, Leeds, Yorkshire, butcher, May 18 at 11, District Court of Bankruptcy, Leeds, and ac.; May 19 at 11, div.—**William Wilks**, Leeds, builder, May 18 at 11, District Court of Bankruptcy, Leeds, and ac.; May 19 at 11, div.—**John Holland**, Buxted, Sussex, draper, May 19 at 2, Court of Bankruptcy, London, div.—**James Page**, Devonshire-terrace, Fulham-road, Middlesex, builder, May 21 at 11, Court of Bankruptcy, London, div.—**Robert Banister**, Portsea, Hampshire, draper, May 20 at 11, Court of Bankruptcy, London, fin. div.—**Richard Freeman**, Wisbeach St. Peter's, Isle of Ely, Cambridgehire, builder, May 20 at 1, Court of Bankruptcy, London, div.—**Augustus Radcliffe the elder and Augustus Radcliffe the younger**, Hermitage-place, St. John's-street-rd., Middlesex, patent glaziers' and artists' diamond manufacturers, Court of Bankruptcy, London, div.—**Thomas Casswell and Jas. Thomas Tindall**, Northampton and Sheffield, leather sellers, May 22 at 12, Court of Bankruptcy, London, div.—**John Bunn**, Norwich, builder, May 21 at 1, Court of Bankruptcy, London, div.—**William Evans**, Borthwen, Llanelglyn, Merionethshire, miller, May 19 at 12, District Court of Bankruptcy, Liverpool, div.—**Jesse Banning**, Liverpool, stationer, May 19 at 12, District Court of Bankruptcy, Liverpool, div.—**Robert Campion and John Campion**, Whitby, Yorkshire, bankers, May 19 at 11, District Court of Bankruptcy, Leeds, div.—**J. Pemberton**, Knostrop, Leeds, Yorkshire, soap boiler, May 19 at 11, District Court of Bankruptcy, Leeds, fin. div.

#### CERTIFICATES.

To be allowed, unless Cause be shewn to the contrary on the Day of Meeting.

**Thomas Webb**, Palace-row, New-road, Middlesex, cow-keeper, May 19 at half-past 1, Court of Bankruptcy, London.—**Richard Blacklocks**, Lydd, Kent, innkeeper, May 20 at 11, Court of Bankruptcy, London.—**Thos. Castle**, Newbury, Berkshire, horse dealer, May 21 at 11, Court of Bankruptcy, London.—**J. Swains**, Princes-road, Notting-hill, Kensington, Middlesex, builder, May 21 at half-past 11, Court of Bankruptcy, London.—**John Stevens**, Clement's-inn, Middlesex, builder, May 19 at 11, Court of Bankruptcy, London.—**Geo. Little**, Liverpool-street, King's-cross, St. Pancras, Middlesex, corn chandler, May 19 at 12, Court of Bankruptcy, London.—**James Wilkinson and Zaccheus Wilkinson**, Clayton-heights,

Bradford, Yorkshire, worsted stuff manufacturers, May 19 at 11, District Court of Bankruptcy, Leeds.—*Thos. Williams*, Bristol, licensed victualler, May 22 at 11, District Court of Bankruptcy, Bristol.—*Joseph Metford*, Lyncombe and Widcombe, Bath, wine merchant, May 22 at 12, District Court of Bankruptcy, Bristol.—*Thomas Sladdon*, Derby, cotton spinner, May 20 at 11, District Court of Bankruptcy, Liverpool.—*Richard Goodbridge*, Exeter, baker, May 21 at 1, District Court of Bankruptcy, Exeter.—*George Gillard*, Plymouth, Devonshire, grocer, May 20 at 11, District Court of Bankruptcy, Exeter.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before May 19.*

*Richard Allerton*, Bootle-cum-Linacre, Lancashire, wheelwright.—*Daniel Wynne*, Colwyn, Carnarvonshire, innkeeper.—*Frederick Jones*, Canterbury, Kent, wine merchant.—*Geo. Goddard*, Leicester, tea dealer.—*Thomas Capas*, Bordesley, Aston-juxta-Birmingham, builder.—*J. Poulton* the younger, Laton, Bedfordshire, straw-hat manufacturer.—*Wm. Bonella*, Pollard's-row, Finsbury, Middlesex, out of business.—*George Watson*, Gatehead, Durham, bookseller.

#### FIAT ANNULLES.

*Joseph Quarton*, Stamford-bridge, Yorkshire, grocer.

#### SCOTCH SEQUESTRATIONS.

*Peter Brown*, Ayr, clock and watch maker.—*Jas. Patrick*, Paisley, manufacturer.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*J. H. Stocqueler*, York-street, Covent-garden, Middlesex, author, May 14 at 11, Court of Bankruptcy, London.—*Johns Charles Bolland*, Rosemary-lane, St. Mary, Whitechapel, Middlesex, baker, May 14 at half-past 11, Court of Bankruptcy, London.—*Wm. Preddy*, Woodcote-place, Norwood, Surrey, out of business, May 14 at half-past 11, Court of Bankruptcy, London.—*Wm. Gwyther*, Butcher-hall-lane, London, out of business, May 14 at 11, Court of Bankruptcy, London.—*Wm. Brewer*, Silver-street, Kensington Gravel-pits, Middlesex, grocer, May 14 at half-past 11, Court of Bankruptcy, London.—*Wm. Baker*, Compton-street, Clerkenwell, Middlesex, out of business, May 14 at 11, Court of Bankruptcy, London.—*John Chubb*, Coppice-row, Clerkenwell, Middlesex, clock enameller, May 14 at 11, Court of Bankruptcy, London.—*J. Slade*, Portsea, Southampton, doctor of medicine, May 5 at 12, Court of Bankruptcy, London.—*Charlotte Rivers*, Bury-street, St. James's, Middlesex, single woman, May 5 at half-past 12, Court of Bankruptcy, London.—*John Elworthy*, Wivenhoe, near Colchester, Essex, mast and block maker, May 5 at half-past 11, Court of Bankruptcy, London.—*James Burgess*, Rochford, Essex, plumber, May 5 at 1, Court of Bankruptcy, London.—*G. Leonard Hopkins*, Little Saffron-hill, Hatton-garden, Middlesex, commission agent, May 5 at half-past 12, Court of Bankruptcy, London.—*W. James Palmer*, Newcastle-street, Strand, Middlesex, hair dresser, May 5 at half-past 11, Court of Bankruptcy, London.—*Wm. A. Piper*, Billericay, Great Burstead, Essex, spring maker, April 30 at 2, Court of Bankruptcy, London.—*Samuel Burton*, New City-chambers, Bishopsgate-street, London, nine agent, May 14 at 12, Court of Bankruptcy, London.—*John Gibbs*, Great Yarmouth, licensed victualler, April 30 at 2, Court of Bankruptcy, London.—*Robert Smilton*, Sefton, Lancashire, stone mason, May 4 at 11, District Court of Bankruptcy, Liverpool.—*Thos. Barker*, Manchester, spindle and fly maker, May 9 at 12, District Court of Bankruptcy, Manchester.—*Ebenezer J. Wonsor*, Bryncairai, Carmarthenshire, officer of excise, May 15 at 11, District Court of Bankruptcy, Bristol.—*Thomas John*, Newbridge, Glamorganshire, carrier, May 14 at 11, District Court of Bankruptcy, Bristol.—*Thos. Gough*, Portlhead, Somersetshire, commercial traveller, May 8 at 11, District Court of Bankruptcy, Bristol.—*Wm. Mason*, Great Malvern, Worcestershire, lodging house-keeper, May 16 at half-past 10, District Court of Bankruptcy, Birmingham.—*Israel Wolf*, Manchester and Liverpool, cap manufacturer, May 1 at 11, District Court of Bankruptcy, Liverpool.—*Matthew Sherman*, Lincoln, shoemaker, May 6 at 11, Mansion-house, Kingston-upon-Hull.

Saturday, April 25.

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*Joseph Shepherd*, Arthur-street, New-court, Goswell-street, Middlesex, bricklayer, No. 57,308 T.; *William Henry Turner*, assignee.—*Henry Luscombe*, Clifford's-inn, Fleet-street, London, clerk in the Admiralty-office, Somerset-house, No. 57,992 T.; *Anthony William Clarke*, assignee.—*Rich. Benj. Taylor*, Bethnal-green-road, Middlesex, fancy trimming seller, No. 58,054 T.; *George Rawlinson*, assignee.—*James Poole*, Penzance, Corawall, cordwainer, No. 67,297 C.; *Thomas Brown*, assignee.—*Isaac Knight*, Manchester, clerk to a share broker, No. 67,103 C.; *Joseph Wilde*, assignee.—*Ch. Savage* the younger, Fratton, Portsea, Hants, carpenter, No. 67,264 C.; *John Cox* and *William Bellingham*, assignees.—*G. Gray*, Henry-street, Hampstead-road, Middlesex, furniture broker, No. 57,978 T.; *Henry Charles Curlewis*, assignee.—*Joseph Clarke*, Brompton, Middlesex, surgeon, No. 58,005 T.; *Joseph Ivimey*, assignee.—*Wm. J. Potter*, Sussex-street, University-street, Tottenham-court-road, Middlesex, purser, No. 58,062 T.; *Joseph Harwar*, assignee.—*Wm. Rutter*, Albert-street, Mornington-crescent, Middlesex, surgeon, No. 58,079 T.; *William Bird*, assignee.

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

Saturday, April 18.

*(On their own Petitions).*

*Henry Batterson*, Great Russell-street, Bloomsbury, Middlesex, shopman to a furrier: in the Debtors Prison for London and Middlesex.—*Henry Charles Litolf*, Eldon-st., Liverpool-street, London, pianist and composer of music: in the Debtors Prison for London and Middlesex.—*James Morris*, Fig Tree-court, Barbican, London, out of business: in the Debtors Prison for London and Middlesex.—*Alex. Edwards*, Bethnal-green-road, Middlesex, tin plate worker: in the Debtors Prison for London and Middlesex.—*Augustus Bixi*, Bateman's-row, Shoreditch, Middlesex, looking-glass manufacturer: in the Debtors Prison for London and Middlesex.—*John Cookson Kelly*, Litchfield-street, Soho, Middlesex, clerk to an auctioneer: in the Queen's Prison.—*Euphemia Edie*, Market-street, Tottenham-court-road, Middlesex, widow, out of business: in the Debtors Prison for London and Middlesex.—*John Philip Knight*, Compton-street, Brunswick-square, Middlesex, assistant to an egg merchant: in the Debtors Prison for London and Middlesex.—*William Thomas Longley*, Great Suffolk-street, Southwark, Surrey, plumber: in the Gaol of Surrey.—*Nathaniel Treasures*, St. Thomas-place, Dover-road, Southwark, Surrey, out of business: in the Queen's Prison.—*Wm. Henderson*, York, shoemaker: in the Gaol of York.—*George Rushton*, Whitworth, near Rochdale, Lancashire, butcher: in the Gaol of Lancaster.

Wednesday, April 22.

*(On their own Petitions).*

*Stephen Sly*, Charlton, Kent, and Bouverie-street, Fleet-street, London, engraver: in the Queen's Prison.—*Ch. Weir*, Greenwich, Kent, clerk to a surveyor: in the Queen's Prison.—*John Wiltshire*, Duke-street, Lisson-grove, Mary-le-bone, Middlesex, chandler's shopkeeper: in the Queen's Prison.—*Sarah Peakman*, Rednall, near Bromsgrove, Worcestershire, school mistress: in the Gaol of Worcester.—*The Rev. John Beynon*, Birmingham, Vicar of Whitson, Monmouthshire: in the Gaol of Warwick.—*Thomas Lawson*, Manchester, out of business: in the Gaol of Lancaster.—*Robert Jaques*, Huddersfield, Yorkshire, out of business: in the Gaol of York.—*H. Buckley*, Saddleworth, Yorkshire, woollen manufacturer: in the Gaol of York.

Saturday, April 25.

*(On their own Petitions).*

*Wm. Thos. Halton*, Lower-terrace, Lower-road, and Portland-place, New North-road, Islington, Middlesex, furnishing undertaker: in the Debtors Prison for London and Middlesex.—*Wm. Downing*, High-street, Hoxton, Middlesex, and Totteridge-common, Herts, cabinet maker: in the Debtors Prison for London and Middlesex.—*Thos. Davis*, Lower George-st., Chelsea, Middlesex, milkman: in the Debtors Prison for London and Middlesex.—*James Thompson*, Westmorland-place,

City-road, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*J. Dark Lyon*, Catherine-street, Pimlico, Middlesex, out of business: in the Queen's Prison.—*James Robert Mackrell*, Chiselhurst, Kent, engraver: in the Queen's Prison.

(On Creditor's Petition).

*Henry Hedger*, Stamford-street, Blackfriars-road, Surrey, livery stable keeper: in the Queen's Prison.

(On their own Petitions).

*J. Dawson*, Failsworth, near Manchester, warehouseman: in the Gaol of Lancaster.—*George Russell*, Dover, Kent, out of business: in the Gaol of Dover.—*Fred. H. Smith*, Canterbury, Kent, engine cleaner: in the Gaol of Maidstone.—*C. Bootle*, Liverpool, out of business: in the Gaol of Liverpool.—*Jas. Gresham*, Liverpool, fishmonger: in the Gaol of Lancaster.—*Mary Moses*, Aberkenig, near Bridgend, Glamorgan-shire, widow, out of business: in the Gaol of Cardiff.

The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Tuesday, May 12, at 9.

*James Davenport* the elder, Church-street, Spitalfields, Middlesex, clerk to the Commercial Gas Company.—*J. Cookson Kelly*, Litchfield-street, Soho, Middlesex, clerk to an auctioneer.—*J. Philip Knight*, Compton-street, Brunswick-sq., Middlesex, egg merchant.—*Wm. Thos. Longley*, Great Suffolk-street, Southwark, Surrey, plumber.—*Ass E. Stockley*, Bedford-place, Southwark-bridge-road, Surrey.

#### INSOLVENT DEBTORS' DIVIDENDS.

*Henry Sargeant*, Portsmouth and Gosport, marine painter, Walkers', Portsea: 3s. 6d. in the pound.—*Frederick Nelson Bracher*, Salisbury, schoolmaster, Squarey's, Salisbury: 3d. in the pound.

### FRIDAY, MAY 1.

#### BANKRUPTS.

**JOHN WILLIAM PITSCHE**, Sackville-street, Piccadilly, Middlesex, tailor, May 12 at half-past 11, and June 12 at half-past 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Davies & Son, 21, Warwick-street, Regent-street.—Fiat dated April 30.

**GODFREY BINGLEY WADSWORTH**, Broad-street, Golden-square, Westminster, Middlesex, apothecary, dealer and chapman, May 7 at half-past 1, and June 10 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Lane, Argyle-street.—Fiat dated April 28.

**CHARLES HAMBRIDGE**, Curtain-road, Shoreditch, Middlesex, and Milner's-row, Hardington-street, Paddington, Middlesex, coach smith and wheelwright, May 13 at 11, and June 16 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Carter & Gregory, Lord Mayor's Court Office, Old Jewry.—Fiat dated April 29.

**EDWIN BUONAPARTE SMITHIS** and **JAMES ALEXANDER THOMAS MATHEWS**, Great Dover-rd., Newington, Surrey, glass and lead merchants, dealers and chapmen, May 7 at half-past 12, and June 10 at 1, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Wadson, Austin-friars.—Fiat dated April 27.

**JOHN HARLOW**, Leicester-square, Middlesex, tobacco-nist, dealer and chapman, May 12 at 12, and June 13 at 11, Court of Bankruptcy, London: Off. Ass. Green; Sol. Bagster, Size-lane.—Fiat dated April 13.

**WILLIAM TOOGOOD TIMEWELL**, Charlotte-street, Blackfriars-road, and Hill-street, Southwark, Surrey, silver lead ore and lead ash smelter and antimony refiner, dealer and chapman, May 9 at half-past 2, and May 30 at half-past 1, Court of Bankruptcy, London: Off. Ass. Follett; Sol. Stevens, 6, Queen-street, Cheapside.—Fiat dated April 28.

**GEORGE BAXTER**, Church-street, St. George's, Southwark, Surrey, currier and leather seller, May 12 and June 12 at 11, Court of Bankruptcy, London: Off. Ass. Green; Sol. Burn, Tokenhouse-yard.—Fiat dated April 28.

**WILLIAM SHEFFIELD**, Bagnigge Wells-road, Middlesex, grocer, (trading with John Sheffield, of the same place, grocer, under the firm of W. and J. Sheffield), May 12 at 11, and June 12 at 12, Court of Bankruptcy, London: Off. Ass. Green; Sols. Hill & Matthews, St. Mary-axe.—Fiat dated April 22.

**WILLIAM SHEFFIELD** and **JOHN SHEFFIELD**, Lower Acton-place, Bagnigge-wells-road, Middlesex, grocers, dealers and chapmen, May 12 at 11, and June 12 at 12, Court of Bankruptcy, London: Off. Ass. Green; Sols. Lawrance & Pews, Bucklersbury.—Fiat dated April 30.

**THOMAS GANDY**, Lower-road, Islington, Middlesex, grocer and tea dealer, May 7 at half-past 2, and June 11 at half-past 1, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Rae, Warwick-court, London.—Fiat dated April 28.

**CHARLES JOSEPH EDMONDS**, Bluntisham, near St. Ive's, Huntingdonshire, apothecary, dealer and chapman, May 7 at 2, and June 11 at 1, Court of Bankruptcy, London: Off. Ass. Turquand; Sol. Grainger, Bucklersbury.—Fiat dated April 28.

**WILLIAM BRADSHAW**, Gretton, near Rockingham, Northamptonshire, cattle and sheep salesman, May 7 at 3, and June 11 at 2, Court of Bankruptcy, London: Off. Ass. Turquand; Sol. Cooke, 30, King-street, Cheapside.—Fiat dated April 30.

**JOHN HARRISON**, Kingston-upon-Hull, ship chandler, May 13 at 11, District Court of Bankruptcy, Leeds; and June 3 at 11, District Court of Bankruptcy, Kingston-upon-Hull: Off. Ass. Kynaston; Sols. Johnson, Hull; C. and J. Allen, Carlisle-street, Soho-square, London.—Fiat dated April 21.

**EDMUND THOMAS ALLEN**, York, apothecary, dealer and chapman, May 14 and June 2 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Wilson, York; Harle, Leeds; Rushworth, Staple-inn, London.—Fiat dated April 13.

**THOMAS HANSON**, Leeds, Yorkshire, builder and contractor, dealer and chapman, May 21 and June 18 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sols. Sanderson, Leeds; Rushworth, Staple Inn, London.—Fiat dated April 22.

**RICHARD MARSDEN**, Brynmawr, Brecknockshire, linen and woollen draper, hatter, hosier, dealer and chapman, May 18 at 12, and June 12 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sols. Mawson, Manchester; W. and C. Bevan, Bristol.—Fiat dated April 14.

**PRYCE MOTTRAM**, Shrewsbury, Shropshire, draper and mercer, May 12 at half-past 10, and June 16 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sol. Gordon, Shrewsbury; James, Birmingham.—Fiat dated April 24.

**THOMAS HARRISON**, Birmingham, victualler, dealer and chapman, May 13 and June 6 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Hodgson, Birmingham; Vincent & Co., Temple, London.—Fiat dated April 23.

**EDWARD FEW**, Manchester, cabinet maker and upholsterer, dealer and chapman, May 15 and June 11 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Whitworth, Manchester; Gregory & Co., Bedford-row, London.—Fiat dated April 25.

**SAMUEL RODGETT**, Blackburn, Lancashire, iron founder and machine maker, dealer and chapman, May 13 and June 16 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Wilding & Fisher, Blackburn; Milne & Co., Temple, London.—Fiat dated April 27.

#### MEETINGS.

*Hon. Francis H. Needham*, New Bond-street, and Fairfield-lodge, Addison-road, Kensington, Middlesex, dressing case maker, May 8 at 11, Court of Bankruptcy, London, last ex.—*William John Haddan*, Tottenham, Middlesex, brewer, May 19 at 1, Court of Bankruptcy, London, last ex.—*Chas. Collins*, Kidderminster, Worcester, King William-street and Adelaide-place, London, commission agent, May 19 at 11, Court of Bankruptcy, London, last ex.—*Benj. L. M. Rolfe-child*, Great Queen-st., Lincoln's-inn-fields, Middlesex, diamond merchant, May 19 at half-past 1, Court of Bankruptcy, London, last ex.—*John Leadbeater*, Manchester, merchant, May 11 at 12, District Court of Bankruptcy, Manchester, last ex.—*Wm. S. Alderton*, Chancery-lane, London, steel pen manufacturer, May 20 at half-past 12, Court of Bankruptcy, London, aud. ac.—*Wm. White*, Aylesbury, Buckinghamshire, tailor, May 21 at 11, Court of Bankruptcy, London, aud. ac. and div.—*Fred. Jones*, Canterbury, Kent, wine merchant, May 21 at half-past 11, Court of Bankruptcy, London, aud.



ac. and div.—*Hen. Fricker*, Southampton, innkeeper, May 25 at 11, Court of Bankruptcy, London, and ac.—*Charles Poile*, Rye, Sussex, merchant, May 22 at 12, Court of Bankruptcy, London, and ac.—*William Hilditch*, Fachwen, St. Asaph, Flintshire, grocer, May 28 at 11, District Court of Bankruptcy, Liverpool, and ac.—*John Roberts and Hugh Hughes*, Deanagat, Manchester, linen drapers, May 22 at 12, District Court of Bankruptcy, Manchester, and ac.; May 29 at 12, div.—*John Ross and Enoch Burton*, Newcastle-upon-Tyne, flour dealers, May 25 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.—*Hen. Bourne*, Wolsingham, Durham, scrivener, May 25 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.—*Wm. Fordyce*, Newcastle-upon-Tyne, bookseller, May 25 at half-past 10, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.; May 28 at 11, div.—*Sydney Pilling and Robert G. Watson*, Gateshead, Durham, wine merchants, May 29 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.—*Thos. Snaith and Geo. Snaith*, Bishop Auckland, Durham, ironmongers, May 29 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.—*Thos. Lupton and Wm. B. Lupton*, Leeds, Yorkshire, flax spinners, May 23 at 11, District Court of Bankruptcy, Leeds, and ac.; May 28 at 11, div.—*John Dixon*, Deepcar, Ecclesfield, Yorkshire, innkeeper and coach proprietor, May 23 at 11, District Court of Bankruptcy, Leeds, and ac.; May 28 at 11, div.—*James Malleslie*, Sowerby, Halifax, Yorkshire, cotton spinner, May 23 at 11, District Court of Bankruptcy, Leeds, and ac.; May 28 at 11, fin. div.—*T. Todd* the elder and *Thos. Todd* the younger, Birmingham, factors, May 25 at 12, District Court of Bankruptcy, Birmingham, and ac.—*Harry Collins Jeffreys*, Much Wenlock, Shropshire, miller, May 22 at 11, District Court of Bankruptcy, Birmingham, and ac.—*Wm. Percival*, Leicester, grocer, May 22 at 11, District Court of Bankruptcy, Birmingham, and ac.—*J. Woollam*, St. Alban's, Hertfordshire, silk throwster, May 28 at half-past 10, Court of Bankruptcy, London, div.—*Benj. Wymont Palmer*, Daventry, Northamptonshire, wine merchant, May 21 at 12, Court of Bankruptcy, London, div.—*Wm. Williams*, High-street, St. Giles, Middlesex, victualler, May 21 at 1, Court of Bankruptcy, London, div.—*John Littlewood*, New Bond-st., Hammer-square, Middlesex, hosier, May 21 at half-past 1, Court of Bankruptcy, London, div.—*R. Hutchinson*, Jewry-street, Aldgate, London, leather seller, May 21 at 2, Court of Bankruptcy, London, div.—*James Welch*, Ring-cross, Holborn, Middlesex, and Chalgrove, Bedfordshire, licensed victualler, May 21 at half-past 12, Court of Bankruptcy, London, div.—*Alex. Inglis*, Portsea, Southampton, draper, May 26 at 12, Court of Bankruptcy, London, div.—*George Hardy*, St. Ives, Huntingdonshire, innkeeper, May 28 at 11, Court of Bankruptcy, London, div.—*Thomas Amos*, Kingland-road, Middlesex, builder, May 22 at 12, Court of Bankruptcy, London, div.—*Peter Owen*, Liverpool, miller, May 28 at 12, District Court of Bankruptcy, Liverpool, div.—*Jas. Harrington and Wm. Pattinson*, Woodbank, Cumberland, calico printers, May 29 at half-past 1, District Court of Bankruptcy, Newcastle-upon-Tyne, fin. div.—*Andrew Allen and Wm. Allen*, South Shields, Durham, drapers, May 29 at half-past 1, District Court of Bankruptcy, Newcastle-upon-Tyne, fin. div.

## CERTIFICATES.

To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.

*Charles Poile*, Rye, Sussex, merchant, May 22 at 12, Court of Bankruptcy, London.—*Ch. Oswald Robson*, Finsbury-st., Finsbury-square, Middlesex, plasterer, May 23 at 2, Court of Bankruptcy, London.—*Sam. Massey Cross*, Greenwich, Kent, May 26 at 11, Court of Bankruptcy, London.—*S. Lawrence*, Bedford-street, Covent-garden, Middlesex, dealer in watches, May 25 at half-past 11, Court of Bankruptcy, London.—*H. Decker*, Pall-mall, Middlesex, oilman, May 25 at 12, Court of Bankruptcy, London.—*Wm. Evans Briden*, Great Corn-mst., Brunswick-square, Middlesex, surgeon, May 25 at half-past 12, Court of Bankruptcy, London.—*Thos. Robinson*, Swansea, Glamorganshire, grocer, May 26 at half-past 12, District Court of Bankruptcy, Bristol.—*Ely Walker Crowther*, Scarmenden, Huddersfield, Yorkshire, woollen cloth manufacturer, May 25 at 11, District Court of Bankruptcy, Leeds.—*John Johnson*, Nantwich, Chester, druggist, May 22 at 12, District Court of Bankruptcy, Liverpool.—*Thos. Snaith and George Snaith*, Bishop Auckland, Durham, ironmongers, May 29 at

half-past 10, District Court of Bankruptcy, Newcastle-upon-Tyne.—*John Ross and Enoch Burton*, Newcastle-upon-Tyne, flour dealers, May 25 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Sydney Pilling*, Gateshead, Durham, spirit merchant, May 29 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Rich. Edwards*, Huddersfield, Yorkshire, woollen draper, May 28 at 11, District Court of Bankruptcy, Leeds.—*Thos. Bouffield*, Lincoln, ironmonger, May 28 at 11, District Court of Bankruptcy, Leeds.—*T. Lupton*, Leeds, Yorkshire, flax spinner, May 28 at 11, District Court of Bankruptcy, Leeds.—*G. Edward Schults and H. Ward Carr*, Liverpool, stock brokers, May 26 at 11, District Court of Bankruptcy, Liverpool.—*Jas. Riddall Wood*, Manchester, varnish maker, May 25 at 12, District Court of Bankruptcy, Manchester.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before May 22.

*William Ashton*, Pickering, Yorkshire, spirit merchant.—*Mary Butterfield and T. Archer Butterfield*, Royston, Hertfordshire, linen drapers.—*Thos. Taylor*, Addle-hill, Doctors'-commons, London, wine merchant.—*R. Widen Cronk*, Seal, Kent, grocer.—*Walter Spiers*, North Audley-street, Oxford-street, Middlesex, printer.—*Francis Glass*, Basinghall-street, London, woollen factor.—*Edw. Streeter*, Bristol, builder.—*Rich. Hulse*, Little Tower-street, London, chymist.—*William Baldwin*, Notting-hill, Middlesex, victualler.—*W. Bickerton*, Kingston-upon-Hull, timber merchant.

## SCOTCH SEQUESTRATIONS.

*Wm. Smith & Co.*, Paisley, manufacturers.—*Wm. Cuthbertson and James Tweedie*, Glasgow, iron merchants.—*R. Smith and Wm. Smith*, Edinburgh, cloth merchants.—*Gilbert Adcock*, Edinburgh, clothier.—*Wallace Macfear*, Edinburgh, glass merchant.

## INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

*Daniel Ross*, Wakefield-street, Regent's-square, Middlesex, upholsterer, May 4 at 1, Court of Bankruptcy, London.—*W. Warrell*, Watford, Hertfordshire, butcher, May 14 at 12, Court of Bankruptcy, London.—*W. Foxton*, Belgrave-street, King's-cross, Middlesex, upholsterer, May 14 at 12, Court of Bankruptcy, London.—*W. Lee*, Hove, near Brighton, Sussex, out of business, May 14 at 12, Court of Bankruptcy, London.—*John Jarman*, Meldreth, near Melbourn, Cambridgeshire, out of business, May 12 at 11, Court of Bankruptcy, London.—*Wm. Mold*, Paulton-street, Chelsea, St. Luke, Middlesex, schoolmaster, May 12 at 11, Court of Bankruptcy, London.—*Edw. Kerstadt*, East-street, Red Lion-square, Holborn, Middlesex, clerk in the General Post-office, May 21 at 11, Court of Bankruptcy, London.—*Dennis Hude*, Milton-street, Cripplegate, London, plumber, May 12 at 11, Court of Bankruptcy, London.—*David Croll* the younger, John-st., Fitzroy-square, Middlesex, tailor, May 12 at half-past 11, Court of Bankruptcy, London.—*Jas. Harris*, John's-row, Brick-lane, St. Luke, Middlesex, cheesemonger, May 12 at 1, Court of Bankruptcy, London.—*Thos. Gale*, Chelsea-market, Chelsea, Middlesex, bread and biscuit baker, May 12 at half-past 11, Court of Bankruptcy, London.—*Samuel Varley*, Great Sutton-street, Clerkenwell, Middlesex, licensed auctioneer, May 12 at half-past 1, Court of Bankruptcy, London.—*J. Clark Birdseye*, Swallow-street, Piccadilly, St. James, Westminster, Middlesex, cellarman to a wine merchant, May 12 at half-past 12, Court of Bankruptcy, London.—*Thos. Besley*, Tiverton, Devonshire, baker, May 14 at 1, District Court of Bankruptcy, Exeter.—*T. Parker*, Staveley, near Chesterfield, Derbyshire, stone mason, May 14 at 11, District Court of Bankruptcy, Manchester.—*Wm. Spivey*, Cowick, near Snaith, Yorkshire, shoemaker, May 14 at 11, District Court of Bankruptcy, Leeds.—*A. Wood*, Thorn's-lane, near Wakefield, Yorkshire, waterman, May 14 at 11, District Court of Bankruptcy, Leeds.—*John Whitehead*, Huddersfield, Yorkshire, beer retailer, May 14 at 11, District Court of Bankruptcy, Leeds.—*Geo. Wilberton*, Lincoln, plumber, May 13 at 11, District Court of Bankruptcy, Leeds.—*Michael Slack*, Leeds, Yorkshire, straw bonnet manufacturer, May 5 at 11, District Court of Bankruptcy, Leeds.—*Samuel Lamb*, Leeds, Yorkshire, auctioneer, May 5 at 11, District Court of Bankruptcy, Leeds.—*John Haigh*, Pudsey, Calverley, Yorkshire, waste dealer, May 5 at

11, District Court of Bankruptcy, Leeds.—*Peter Kirkman*, Ainsworth, near Bolton-le-Moors, Lancashire, licensed victualler, May 11 at 12, District Court of Bankruptcy, Manchester.—*Patrick Conner*, Birkenhead, Cheshire, out of business, May 13 at 11, District Court of Bankruptcy, Liverpool.—*John Castling*, Aiskew, near Bedale, Yorkshire, sheriff's officer, May 14 at 11, District Court of Bankruptcy, Leeds.—*John Garvide*, Jagger-green, Dean Stainland, Yorkshire, woollen manufacturer, May 14 at 11, District Court of Bankruptcy, Leeds.—*Wm. Halton*, Macclesfield, Cheshire, silk manufacturer, May 15 at 12, District Court of Bankruptcy, Manchester.—*Benjamin Berry*, Huddersfield, Yorkshire, dyer, May 14 at 11, District Court of Bankruptcy, Leeds.—*Rich. Steel*, Myton, Kingston-upon-Hull, draper's assistant, May 13 at 11, District Court of Bankruptcy, Leeds.—*Geo. Lovatt*, Nottingham, stonemason, May 8 at 11, District Court of Bankruptcy, Birmingham.—*James Pheasant Nice*, Edge-hill, near Liverpool, out of business, May 8 at 11, District Court of Bankruptcy, Liverpool.

Wednesday, April 29.

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

(On their own Petitions).

*Rob. Look*, Spitalfields, Middlesex, timber dealer: in the Debtors Prison for London and Middlesex.—*Jer. Higgins*, Aldersgate-street, London, out of business: in the Debtors Prison for London and Middlesex.—*Hen. Turner*, Romford, Essex, grocer: in the Debtors Prison for London and Middlesex.—*William Brindley*, Laburnum-terrace, Kingsland-road, Middlesex, manager at a paper machine mills: in the Debtors Prison for London and Middlesex.—*Joe. B. Williams*, Portsmouth-st., Lincoln's-inn-fields, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Thos. Stanwell*, Providence-st., Welworth-common, Newington, Surrey, vendor of cats' meat: in the Gaol of Horse-monger-lane.—*Chas. Stone*, Cross-st., Blackfriars-road, Surrey, carpenter: in the Gaol of Surrey.—*Wm. Thos. Scott*, Walham-green, Fulham, Middlesex, plumber: in the Debtors Prison for London and Middlesex.—*Arthur Walker Hyde*, Oxford-st., Middlesex, licensed victualler: in the Queen's Prison.—*Thos. E. Freethy*, Iver, Buckinghamshire, licensed retailer of beer: in the Debtors Prison for London and Middlesex.—*Jas. Bolton*, Thornley, near Longridge, Lancashire, licensed victualler: in the Gaol of Lancaster.—*Jonas Haigh*, Meltham, near Huddersfield, Yorkshire, publican: in the Gaol of York.—*Geo. Pulleys*, Skeldergate, Yorkshire, out of business: in the Gaol of York.—*Eliza David*, widow, Llanelly, Carmarthenshire, shopkeeper: in the Gaol of Carmarthen.—*Ellen Bolton*, Thornley, near Longridge, Lancashire, licensed victualler: in the Gaol of Lancaster.—*Wm. Wright Slater*, Sandbach, Cheshire, agent for the sale of bricks: in the Gaol of Chester.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Friday, May 15, at 9.*

*John Milne*, White Conduit-grove, Pentonville, Middlesex, no trade.—*Augustus Rizzi*, Curtain-road and Batemans'-row, Shoreditch, Middlesex, hawker.—*John Ringer*, Addington-cottages, Addington-st., York-road, Lambeth, Surrey, out of business.—*Wm. H. Summers*, Holland-place, Denmark-st., Cold Harbour-lane, Camberwell, Surrey, solicitor.

*Adjourned.*

*Wm. E. Gould*, London-wall, London, carver.

*May 18, at the same hour and place.*

*Wm. T. Halton*, Lower-terrace, Lower-road, and Portland-place, New North-road, Islington, Middlesex, furnishing undertaker.—*Donald Mackinnon*, Michael's-place, Brompton, Middlesex, out of business.—*Thomas Donaldson* the elder, Kingsland-road, Middlesex, corn dealer.—*William Bungard*, Hanover-place, Oxford-street, Middlesex, cab driver.—*Henry Batterson*, Great Russell-st., Bloomsbury, Middlesex, shopman to a furrier.—*John Adams*, Wentworth-street, Spitalfields, Middlesex, superintendent at a saw mill.

**INSOLVENT DEBTOR'S DIVIDEND.**

*Thomas Silk*, Woodhurst, Huntingdonshire, cordwainer, at Hunnybun's, Huntingdon: 3s. 8d. in the pound.

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LONDON, MAY 9, 1846.

We return to the subject of the Charitable Trusts Bill, which seems to be exciting great, and, as it appears to us, most unfounded opposition. The bill has been represented, as we have already mentioned, (ante, p. 149), as creating commissioners "who are to superintend, or rather virtually supersede, the present managers of all charities, and take upon themselves the direction and control of the charity affairs, the disposition of the funds, and the investigation, arrangement, and regulation of all the accounts."

A very slight examination of the clauses of the bill will shew that it proposes to do nothing of the sort. The jurisdiction which it proposes to give to the commissioners, in regard to their power of regulating charities, is restricted to charities whose incomes shall not exceed 100*l*. Their jurisdiction over charities generally is confined, first, to the exercise of a power which can only be exercised by way of assistance, in supplying powers of sale, compromise, &c., where the trustees of a charity have not such powers; and, secondly, to the exercise of a power of regulating the manner in which accounts are to be kept, and of making inquiries and obtaining information as to the mode in which the funds of charities are administered.

The objects of the bill are, therefore, twofold: first, to provide a remedial jurisdiction for adjudicating between the trustees and beneficiaries of charities possessing an income not exceeding 100*l*. a year; and, secondly, to provide an inquisitorial and auditorial, but not remedial, jurisdiction, for obtaining complete information on the state of the revenues of all charities, and the mode of dealing with them. With the first of these objects we cannot conceive how any person can reasonably quarrel. It is admitted that the expense of proceeding by information in Chancery, either

to remedy abuses of trust, or to appoint new trustees, or to establish a scheme for a charity, or in any way to interfere *remedially*, is such as to render the jurisdiction of Chancery practically quite inapplicable for the smaller charities. The Chancellor has fixed 50*l*. a year as the income under which it is impracticable to call in the aid of Chancery to prescribe for sick charities. (See his Speech in the House of Lords, 22nd May, 1845). And we are quite satisfied, that every Chancery practitioner will admit, that his Lordship might have stated a much higher amount, without being beyond the mark. It is admitted, also, that there is no other adequate jurisdiction than that of Chancery; and it is admitted, finally, that there are thousands of charities whose incomes fall far below 50*l*. a year. Now, with these three admitted facts, that there are objects of remedial jurisdiction of a particular class,—that there is no jurisdiction but Chancery for them,—and that Chancery cannot practically help them,—can any rational and unprejudiced person escape the conclusion, that the creation of a new tribunal is essential, and that such a tribunal, to be effective, must be armed with considerable powers?

The only substantial question upon which there can be a doubt is, whether the particular arrangements proposed by the bill now before Parliament, are adapted to meet the acknowledged want of a practical jurisdiction over small charity funds; and, without going the length of saying that the bill offers no handle for objection, we must say, that to us it appears defective only in some trivial matters, as to which it is very immaterial for the public service in what way they are settled. For instance, one is readily disposed to concur in the criticism put forth in a recent pamphlet on the subject, by the learned Gresham Lecturer\*, upon the

\* Considerations on the Charitable Trusts Bill, &c. By W. Palmer, Esq., Barrister, and Gresham Lecturer on Law.

second clause, that the exclusive selection of a Chief Justice of the Bengal bench, out of all the Colonial Judges, as conferring a qualification for becoming a commissioner of charities, is not very intelligible. It would have been much simpler and much more consistent with usage, to have adopted the formula of the 5 Vict. c. 5, s. 19, and to have made the requisite qualification simply a standing of twelve years, which would let in, of course, Vice-Chancellors, and almost, of course, Masters in Chancery, Serjeants, and any Judge of any important colonial court. But when the criticism extends itself beyond these trivialities, and meddles with the very important 10th section of the bill, we think it must have been forgotten that that section models the powers and procedure of the commissioners as nearly as possible, consistently with the desideratum of inexpensive proceedings, upon the power and procedure of the Court of Chancery itself, of whose efficacy no doubt has ever been entertained, when it is brought to bear upon charities whose funds can bear its heavy expense.

The Court of Chancery is set in motion by the Attorney-General, at the relation of any informant. The commissioners are to be set in motion on the petition of any informant; and if they were not to be set in motion on the petition of *any* informant, how is any act to define what particular character a person must fill, in order to qualify him to bring the jurisdiction of the commissioners to bear? But the commissioners are not, it will be observed, directed to act upon any vague and general allegation; they are to be informed of some specific neglect, or abuse, or breach of trust, &c. And it is not to be supposed, that persons filling the high judicial situations that are to be created by the act, and sworn to do justice according to the terms of the act, will entertain frivolous informations; loading themselves with uncalled for labour, and pronouncing sentences which would ruin their reputation as judges, for the mere purpose of tormenting the trustees of charities. The 10th, 13th, 14th, and 18th clauses do, in fact, no more than place the commissioners, with reference to charities with incomes not exceeding 100*l.* a year, in the position of the Court of Chancery in reference to other charities. Yet it is on these sections that the learned writer, whose pamphlet we have already quoted, indulges in the following appeal (p. 18):—"My Lord, I hardly know what is most objectionable in these, with perhaps one or two exceptions, most objectionable provisions. They may be intended to do full justice quickly and cheaply, where the property is of small amount; but I fear they would more often lead to oppression, expense, and irremediable wrong, and prove subversive of the intention of the donors, which the law of England has endeavoured sacredly to fulfil. Where is the justice, or policy, or wisdom of establishing one tribunal for the rich, and another for the poor; one tribunal to-day, and another for the same charity (the income varying) to-morrow; of regulating the jurisdiction of the commissioners by a difficult and fluctuating criterion, uncertainly applied to the outset; of vesting in these commissioners, holding there court in any hidden room or corner of the kingdom, greater power in making orders and schemes (irrespective of the will of the do-

ners) than is conceded to the high Court of Chancery; of authorising their proceeding upon any complaint, perhaps contained in an anonymous letter, when all experience testifies the necessity, to prevent oppression and groundless complaint, that the complainant failing should be responsible for costs; of allowing no appeal from the orders of the commissioners to the higher courts, though security might be offered for costs to prevent groundless appeals, thus omitting a safeguard most necessary to secure the equity of the commissioners' decisions, and making them arbitrary judges; and of not even allowing them to revise their own summary orders, unless on complaint within *two months*, though the subsequent finding of any mislaid old document, or other discovery, might justify their reversal? The injustice and impolicy of such provisions appear too plain for comment. I may further observe, that the powers of removing trustees, and enforcing the transfer or payment of stock or money, seem almost too great to be entrusted to the commissioners without appeal. The little contrivance to save expense on the appointment of new trustees, by making the trust estates vest in them without any conveyance, may (along with the anomaly) have the effect of depriving them of the best evidences of their title. The power, also, of authorising trustees to remove a schoolmaster, or other officer, upon proof to the commissioners' satisfaction of past negligence or present incompetency, appears too great to be exercised, in derogation of a freehold office, either without a hearing or without the right of appeal. It exceeds the power of authorising the removal of schoolmasters which was entrusted to the Court of Chancery by a recent act\*."

We might well answer, "Mr. Palmer, we hardly know which is the most objectionable of your arguments. You speak of the act as establishing one tribunal for the rich and another for the poor, whereas, what it really does, is to establish what never existed before, (in these matters), a tribunal for the poor; not creating any tribunal for the rich at all. You speak of regulating the jurisdiction of the commissioners by a difficult and fluctuating criterion, without at all condescending to explain what you mean. You speak of the commissioners holding their courts in any hidden room or corner of the kingdom, when there is not one word in the act to shew an intimation that the proceedings shall be in the least degree secret. You speak of their proceeding upon *any* complaint, perhaps contained in an anonymous letter, as though the language of the 10th section did not, in the strongest terms, convey an expression of intention on the part of the Legislature, that the whole course of proceeding is to be judicial. And, finally, you talk with horror of confiding to courts, on whom a character of at least co-ordinate importance with that of country commissioners of bankruptcy, or the commissioners of lunacy, is impressed, the power of removing, for negligence or incompetence, the petty schoolmaster of a petty charity,—a power, you say, too great to be exercised in derogation of a freehold office; as if every schoolmaster's office was necessarily a freehold office; as if, where it is so, the holder ought necessarily to hold it in direct breach of the trusts under which he was ap-

\* 3 & 4 Vict. c. 77, s. 17.



pointed; and as if the commissioners are necessarily to be expected to cast aside all that respect for vested interests, which they will find in their great model the Court of Chancery, and their guides—its decisions. To quote your own words, 'The injustice and impolicy of your objections appear too plain for comment.'

The only question that appears to us very material in this part of the bill is, whether the decision of the commissioners should be wholly without appeal. An appeal at the expense of the charity fund would, of course, be out of the question, as it would defeat the whole object of the act. But there does not seem any good reason, why, if the litigants think fit to try an appeal at their own expense, they might not be permitted to do so; the court of appeal having, of course, power to give costs at its discretion, or to make general orders as to the mode of providing for the costs of appeals.

Our space will not permit us further to discuss at present the merits of this important bill. We hope we shall have succeeded in suggesting to the minds of some, at least, of our readers, doubts of the soundness of the objections that have been urged against it; and we hope, that, if it does pass into law, it will be the prelude to some similar legislative endeavour, to afford to the cestui que trustent of private property of small amount, the benefit of an equitable jurisdiction practically accessible.

## COURT OF QUEEN'S BENCH.

**May 4.**—Lord Denman, C. J., delivered the judgment of the court in the following cases:—

*Barnes v. Shore*—Rule for prohibition discharged.

*Reg. v. Conyers*—Writ of mandamus quashed.

*Reg. v. Pelham*—Judgment arrested.

*Reg. v. Jesse Hall*—Rule for criminal information discharged.

*Bodmer v. Butterworth*—Verdict of not guilty to be entered for defendant; on the issue denying the specification, for plaintiff.

*Gillett v. Whitmarsh*—Rule absolute.

*Holford v. Bailey*—Rule absolute to arrest judgment.

*Doe d. Darke v. Bowditch*—Rule absolute to enter verdict for defendant.

**Patteson, J.**, delivered the judgment of the court in

*Reg. v. Moseley*—Rule for quo warranto discharged.

**May 7.**—Lord Denman, C. J., delivered the judgment of the court in

*Perry v. Fitzhove*—Judgment for plaintiff.

**May 8.**—In the following case, tried on the Oxford Circuit, Lord Denman, C. J., delivered the judgment of the court:—

*Whitmore v. Leak*—Rule nisi.

**MASTER IN CHANCERY.**—The Lord Chancellor has appointed Harry Edgell Bush, of Trowbridge, Wiltshire, Gent., to be a Master Extraordinary in the high Court of Chancery.

**MEMBER RETURNED TO SERVE IN PARLIAMENT.**—The Right Hon. Henry Pelham Pelham Clinton, commonly called the Earl of Lincoln, for the Falkirk district of burghs, in the room of William Baird, Esq., who has accepted the office of Steward of her Majesty's Chiltern Hundreds.

## Rebicks.

*The Practice of the High Court of Chancery.* By EDMUND ROBERT DANIELL, Esq., F.R.S., a Commissioner of the Court of Bankruptcy. Second Edition, with considerable Alterations, &c. By THOMAS EMERSON HEADLAM, M.A., Barrister at Law.

[Stevens & Norton.]

We have no hesitation in declaring that this is the most able work which has ever been written on the practice of the Court of Chancery. And although it does not enter into all the details of the purely mechanical parts of the practice, as indeed it is not the object of the work to do, yet it is impossible to take it up, and compare it with others of similar kind, and not at once observe that it goes considerably beyond them in the nature and extent of the subjects upon which it treats, and in the manner in which those subjects are dealt with.

Mr. Daniell, in his preface to the *first* edition, states that he does not conceive that *he* is called upon to offer any apology for the publication of a treatise on the practice of the Court of Chancery, on the ground that the want of such a treatise on a more *extended* scale than those hitherto published had long been acknowledged; and we are glad, that, in opposition to the opinions and advice of some of his friends, he determined to carry out his views, and introduce the "Practical Observations on the Pleadings in the Court," which so usefully occupy a considerable portion of the work.

The first volume was published in 1837; the second in 1840; and Part 1 of Vol. III was published in 1841, and the remaining part in September, 1845, containing altogether 2160 pages. But before Mr. Daniell had published the *last* part of the third volume, the time had arrived when a new edition was required; for, as is observed by Mr. Headlam, in his preface to the present edition, "During the time which has elapsed since the publication of the first edition more extensive changes have taken place in the practice of Chancery than in any other period of similar duration in the annals of the court. Not only have numerous and most important Orders been issued, but the increase in the number of the courts of equity, and the great attention now bestowed on reporting their decisions, have multiplied the sources from which conclusions of law and rules of practice are ordinarily deduced." And we think that the manner in which the learned editor has dealt with the original work has, upon the whole, been very judicious; namely, by not retaining the original matter, and, in addition, stating the alterations that have been effected; "but by remodelling the text, so as to render it as nearly as possible what he conceived it would have been had Mr. Daniell now published it for the first time."

If, indeed, this edition had retained all the contents of the original work, it might, as Mr. Headlam observes, "have exhibited a history of the progress of the Court of Chancery practice; but its size would have prevented its being useful as a book of daily reference." And we are glad in being able to state, that, whilst Mr. Headlam has not in any degree affected the value of the original work, yet that, by the plan which he has adopted, he has saved the practitioner from the mental agony to which he would have been subjected in considering the operation and effect of repealed Orders and contradictory decisions, and in philosophising upon the abortive attempts at Chancery reform. Even with all the diligence, accuracy, and precision which Mr. Headlam has brought into the field, what a fearful picture does this book present of the existing practice of the Court of Chancery! How little, it would seem, have the reforming efforts of nearly a quarter of a century done to improve the practice of a court, in



which thousands and thousands of persons are so interested! What devious mazes still remain to bewilder the practitioner! What diligence, nerve, and energy are still required, to enable the student to become acquainted with *that*, which is termed the practice of the Court of Chancery!

In order that some notion may be formed of the nature and extent of the subject with which the author and editor have had to deal, and the difficulty with which they have had to contend, we propose to refer (and we regret that our limits will allow us to do little more than to refer) to the leading portions of the work.

The first 374 pages are devoted to elucidate matters connected with the institution of a suit, preparatory to the filing of a bill; and it is at p. 375 of the first volume of the present edition that the practitioner is introduced to sect. 7, which treats "*of filing the bill.*"

We then come to the *section* upon amending bills, the practice concerning which has been entirely altered since the first edition; and here we may observe, that the important point of practice recently decided by the Lord Chancellor in *Christ's Hospital v. Grainger* was anticipated by the editor, and correctly stated, as the result of the Orders, in page 394.

We arrive, at page 404, at that portion of the work which treats of the mode of enforcing an appearance and answer to the complainant's bill. In this part of the practice a very great change has taken place, in consequence of recent General Orders, and the editor has availed himself of this change, to alter the manner in which the subject was treated in the first edition. Mr. Daniell wrote separate sections on the several writs then in force, and included in his opening chapter the peculiarities of process incidental to particular defendants. Mr. Headlam has adopted another arrangement. He commences by stating the various modes of service upon defendants of a different description, or allowed under peculiar circumstances; and proceeds to detail the mode of proceeding in the event of service not being effected; assuming, then, that a subpoena has been duly served, he gives a succinct account of the several compulsory steps both to compel appearance and to compel answer. In each case, after stating the practice applicable to ordinary defendants, he proceeds to enumerate the peculiarities incident to defendants of particular characters or descriptions, as infants, married women; and here we would refer to an important passage, that will be found in page 422. Mr. Headlam, after stating the effect of the statutes 2 Will. 4, c. 33, and 4 & 5 Will. 4, c. 82, under which, before the Orders of May, 1845, the practice with respect to the service of subpoenas was regulated, observes, that these acts "apply to suits of a particular description, and that they 'fetter the exercise of the privilege by certain restrictions; whereas the Orders of May, 1845, apply to suits 'of all descriptions, and in some respects dispense with 'the provisions which the Legislature had previously 'required.'"

It would seem, however, that the language of the 5 Vict. c. 5, under the authority of which the New Orders are issued, scarcely authorises the court to extend the remedies of serving a subpoena out of the jurisdiction, and to dispense with the statutory fetters previously incident to its exercise. This point has, we understand, been raised before Sir James Wigram, V.C., and if so, the decision upon it will be important to those interested in the practice of the court.

Well, then, we have reached Chapter XI, (p. 486), and thenceforth our course is over between two and three hundred pages of valuable information, as well upon the pleading as the practice connected with demurrers, pleas, and answers. And on this part of the work the editor's task has been comparatively light; but, wherever it was necessary to interweave the Orders of 1845, he appears to have done so in a very concise and proper

manner; but we would, in passing, remark, that he has overlooked the case of *Thompson v. Selby*, (12 Sim. 100), which ought, we think, to have been noticed in the paragraph of p. 659, where it is laid down, that, "after a plea has been filed, no step can be taken in the 'cause till it has been disposed of.'"

Chapter XVIII contains the practice on motions to dismiss. Here we find that the editor has taken a different view of the effect of these Orders, in one respect, from that which has recently been decided in the case of *Dalton v. Hayter*, (9 Jur. 1000); for Mr. Headlam assumes that the term "last answer," used in the 37th article of the 16th Order, and in the 114th Order, means the last answer not of any one defendant, but of all the defendants; so that no application to dismiss the plaintiff's bill for want of prosecution could be sustained until after all the defendants have answered. Lord Langdale, in the case referred to, has decided, that the term "last answer" refers to the answer of any one defendant, who may move to dismiss. In a subsequent notice of the cases which have occurred during the progress of the work through the press, Mr. Headlam enters into an elaborate argument in support of his view of the subject.

In treating "*of Replication*," an abstract of the Orders of 1845 upon that part of the practice is introduced. Several decisions with respect to the effect of those Orders upon suits in progress at the time they came into operation have been pronounced subsequently to the publication of that portion of the work; they will, however, be found collected in a notice prefixed to this edition; and we presume that the learned editor did not contemplate the probable operation of those Orders, and the state of despair in which suitors, practitioners, and judges have alike been thrown, in construing and acting upon them, whenever there has been a conflict between the old and the new practice, or he would, prophet-like, have prepared his readers for their fate; but, upon the whole, we are not surprised that Mr. Headlam did not volunteer his services upon the occasion, as we ourselves have been witness to the difficulty and embarrassment which a most acute and eminent judge, even though having the assistance of the faithful Berry, all-powerful in points of practice, has felt in arriving at a satisfactory conclusion with respect to the course to be adopted in a case of conflict between the old Orders and the new.

We next find that important head, "*Evidence*," ably discussed, and divided into apt parts and sections; and this brings us to the end of volume the first.

We can do no more than just glance at the chapters on Decree, in the first part of the second volume; and we are obliged to treat the proceedings in the Master's Office with as little ceremony, though the importance of the subject would seem to require a more minute investigation. Suffice it to say, that the course to be pursued in the Master's Office, upon the various references made to him, is treated of in a very full and explanatory manner. And certainly it will not be for want of a guide to steer him through the labyrinths and gloomy recesses of those offices, if the practitioner fail in eventually reaching the end of his journey, the *hearing of his suit on further directions*. We ought, however, not to omit speaking in terms of commendation of the sections on the method of taking accounts and the sale of property.

Chapter XXVII contains nearly one hundred pages, and treats of the question of costs. At page 1268 the editor extracts a principle from the case of *Millington v. Fox*, (3 My. & C. 352), and that principle, we apprehend, with all deference to the learned and pains-taking Sir James Wigram\*, is correct, viz. that, if "a plaintiff 'proceeds with a cause after he has received a complete 'offer of all that he is entitled to, the court, in the ex-

\* See *Colburn v. Simms*, (2 Hare, 543).

'ercise of its discretion with respect to costs, will punish the unnecessary litigation by refusing him the whole costs of the suit, as well those incurred after the tender as those incurred before."

Part 2 of Volume II, which is recently published, concludes the work; and here it will be found that the learned editor has written several additional chapters under the following heads:—"Chapter XXXIII, On Writs and Orders in the Nature of Injunctions. Chapter XXXVII, On the Payment of Money or Transfer of Stock out of Court. Chapter XXXVIII, On the Production of Documents. Chapter XXXIX, On Petitions for the Appointment of Guardians, and Orders of Maintenance; and Chapter XL, On the Statutory Jurisdiction of the Court."

Chapter XXXIII affords valuable information with respect to restraining orders under stat. 5 Vict. c. 5, as well as the practice upon writs of distringas and stop orders.

The practice upon payment of money into and out of court is stated very much in detail, but not less so than the importance of the subject requires; and this part of the work is worthy of the serious attention not only of the junior but senior practitioner. Nor is the subsequent chapter, upon the difficult subject of the production of documents, less worthy of consideration. Here all the cases bearing upon the circumstances under which the production is granted or refused are discussed, and the principles to be deduced from them clearly enunciated.

The last chapter, On the statutory Jurisdiction, fills up a chasm in books of practice. The editor's remarks in his preface upon this subject are, we believe, perfectly correct. "There has not," he observes, "been any other attempt to treat of it in a connected form; and the fact, that the jurisdiction is exercised upon petitions usually unopposed, has prevented the practice concerning it being fully exhibited by reported cases." In this untrodden path Mr. Headlam appears to have received great assistance from the Registrar's office.

The 2nd and 3rd sections point out the cases to which the Charities' and Trustees' Acts respectively apply, and the course to be pursued in giving effect to the provisions thereof.

Section 4 contains the necessary information as to the payment into and out of court of money brought under the control of the Court of Chancery by the provisions of the various railway acts. And in section 5 is exhibited much useful and practical information with respect to the jurisdiction of the court over solicitors, as well statutory as otherwise; and the reciprocal rights and liabilities of solicitors and their clients, under the heads of Lien and Taxation of Costs, are discussed.

The miscellaneous statutes are disposed of in the concluding sections.

It remains to be observed, that in the present edition is contained a list of General Orders since 1828, with a reference to those parts of the body of the work where they are to be found noticed. There is also a general index, and not, as in the original work, a separate index to each volume.

It is worthy of remark, that, notwithstanding the numerous decisions which have been pronounced since the publication of the first edition, and which have been the subject of comment in the present edition, and notwithstanding the introduction of the new matter to which we have called attention, by means of an alteration in the arrangement of the letter-press, the work has not increased in bulk, and, on the other hand, the price has considerably decreased.

We trust that our readers will, upon a perusal of the work now under our notice, be satisfied that we have not overrated its merits, and that they will agree with us in thinking that it forms a valuable addition to our legal literature.

## Correspondence.

### DESCENT AMONG COPARCENERS.

TO THE EDITOR OF "THE JURIST."

SIR,—The rhetoric of your correspondent J. C. C. has surprised me even more than his logic did. But, as I take no personal interest in the symbol "G. S.," and am not ambitious of sending it down to posterity with the honours of a "Junius" or a "J. C. C.," I shall not attempt any defence. Your correspondent may have proved against me, "for aught I know," every item in his black list of offences; but these offences have no more to do with the question of descent (of an estate), than have his notions of "propelling" a thing "upwards," and "devolving from a root per stirpes," or his inadvertently calling himself "I," "we," and "J. C. C." in the same paper. In his objurative character J. C. C. needs a remonstrance rather than an answer, and I will borrow for the purpose a form from one who was "of counsel" to Charles II:—

"Why so fierce and warm, J. C. C. ?

Prythee, why so warm ?

If to win with wit's not easy,

Can you do't by storm ?

Prythee, why so warm ?

Why not more astute, conveyancer,

Why not more astute ?

Will, when arguing well don't answer,

Railing merely suit ?

Why not more astute ?

Fie ! fie ! the law this will not more,—

This cannot shake it :

Unless your crotchet sound you prove,

You cannot make it :

The devil take it !"

To J. C. C. arguing, more respect is due; and, with your permission, I will say a few words (and they shall be as few and as clear as I can make them) on the important point on which I differ from him, and on which J. W. (if, upon consideration, he has not found reason to modify his opinion) differs from both of us.

J. C. C. is unwilling to recognise the vacancy of the inheritance under any circumstances, and argues that the death of an heir before entry causes a new descent. Now, if it is said that the inheritance vests *sub modo* in an heir before entry, (as it certainly does, for the benefit of creditors, devisees, &c.), I make no objection to the expression, which is at least as allowable, as it is to say, that the fee may vest *sub modo* pending the contingency of an executory limitation; and I will even grant that the conditional vesting of the inheritance may be called a descent. Thus far the difference between us is merely verbal; but it becomes substantial when J. C. C. contends, that, on the death of a coparcener before entry, there is a new descent of the share of such coparcener only. That this is not so, has, I think, been clearly proved by J. W., whose authorities shew, that, if there is indeed a second descent in the case supposed, it is a descent which is not founded on, but, on the contrary, overreaches, or effaces, the prior conditional descent, as well with respect to the estate of the surviving coparcener, as to that of the deceased. The descents are not successive, but the second is *substituted* for the first. A similar process is familiar in the case of a contingent or executory limitation to a class to be ascertained at a future time, as, a limitation to all the children of A., to take effect in possession at the death of A. Here, each child, as he is born, takes a vested estate, subject to be divested by the birth of a new member of the class; and yet, when all the members are ascertained, so entirely do they take as it were by one act, that their

estate is joint, if the limitation contain no words of severance. (2 Stra. 1172; see *Fearn*, C. R. 312). So, on the death of the owner of an estate, the inheritance vests in the person or persons constituting his heir, the particular *ingredients* of such heir being capable of change from time to time by deaths and other events, until the inheritance is fixed, and the foundation for a new descent laid, by the entry of the heir for the time being. A much stronger case of conditional descent was recognised by the common law when a sister succeeded to the estate of her only brother, and her inheritance was defeated, even after entry, by the birth of a second brother. In that case, although the person last entitled did not die, her estate was "put in motion" by way of descent.

J. C. C. suggests that I "might consistently argue, that, since the new statute, the inheritance remains vacant until some act of purchase, and that, from the death of the last purchaser to such act of purchase by some one of his successive heirs, is but one descent." I cannot charge this misapprehension of my argument to the account of any obscurity in my language, for I said, "What shall be a descent, and from whom an estate shall descend, are questions which the act leaves untouched;" and the assumption, that the question as to *what* shall descend is equally unaffected by the statute, was the very basis of my argument, and also, I presume, of that of J. C. C. The language of the statute certainly presents some difficulties, but it will be found, I think, that no other construction can be adopted, without involving consequences which were certainly not intended, and which would be far more mischievous than those from which J. W. has striven to escape. See, for instance, the 5th section.

To conclude, the propositions, and the deductions from them, for which I contend, are these:—

1. That, at the common law, on the death of a coparcener before entry, there was either no new descent at all, or, if there were a new descent, it was a descent of the entirety. But, on the death of a coparcener after entry, there was a new descent of her own share only.

2. That the act to amend the law of inheritance has furnished new rules for ascertaining the heir in cases of descent, but has not (except by the enactment in sect. 3, as to devises to an heir, &c.) in any other manner altered the rules of the common law with respect to descents. So that the questions, whether or not there is a descent, what descends, and to whose heir, (or, which is the same thing, from whom), are to be determined without reference to the statute, which only comes into operation when it has been ascertained that a certain thing has descended to the heir of a certain person, and it becomes necessary to know who is such heir.

3. That, as a consequence of the foregoing propositions, if, before the statute, on the death of a coparcener who has not acquired actual seisin, the heirs for the time being of the person last seised would have been entitled to the entirety by descent from such person, so, since the statute, the heirs for the time being of such person would be entitled to the entirety by descent from him; or, more generally, as, on the death of the person last seised, his estate would, before the statute, have descended *from him to his heir*, so, since the statute, it will do the same; and as, on the death of an heir before entry, there was, before the statute, no descent from him to his heir of his estate or share as such, so, since the statute, there is none. And hence, on the death of one coparcener before the entry of any, the heirs of the person last seised are entitled to the inheritance of the entire estate; and, on the death of one coparcener after the entry of any, there is now, as there always was, a descent from such coparcener of her share alone to her heir. But, in each of the cases supposed,

the person or persons constituting the heir must now be ascertained by rules which are different from those of the common law. G. S.

## London Gazette.

TUESDAY, MAY 5.

### BANKRUPTS.

JOSEPH MILLER, Whittlebury-street, Hampstead-road, Middlesex, painter, plumber, and glazier, dealer and chapman, May 12 at half-past 12, and June 16 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Lacey & Co., New Bridge-street, Blackfriars.—Fiat dated May 4.

JULES VALLÉ, Manchester, and Arnfield and Mottram, Cheshire, silk, cotton, and woollen printer, and commission agent, May 12 and June 16 at 12, Court of Bankruptcy, London: Off. Ass. Alsager; Sols. Reed & Langford, Friday-street.—Fiat dated May 2.

JOHN WILLIAM PITTSCH, Sackville-street, Piccadilly, Middlesex, tailor, May 12 at half-past 11, and June 12 at half-past 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Davies & Son, 21, Warwick-street, Regent-street.—Fiat dated April 30.

JOHN DAILEY and ALFRED INSKIP, Long-lane, Bermondsey, Surrey, leather manufacturers, May 15 at 11, and June 16 at 12, Court of Bankruptcy, London: Off. Ass. Belcher; Sol. Loughborough, 23, Austin-friars.—Fiat dated May 4.

JOHN GEORGE UFFORD, Holloway, Middlesex, common brewer, May 12 at half-past 12, and June 13 at half-past 11, Court of Bankruptcy, London: Off. Ass. Fallett; Sol. Peachey, Salisbury-square, Fleet-street.—Fiat dated April 30.

JOSEPH WILLIS, Bucklersbury, London, eating-house keeper, dealer and chapman, May 15 at 1, and June 20 at 11, Court of Bankruptcy, London: Off. Ass. Green; Sol. Smith, 24, Golden-square.—Fiat dated May 1.

JAMES WESTON, Bishopsgate-street Within, London, hatter, dealer and chapman, May 12 and June 16 at 11, Court of Bankruptcy, London: Off. Ass. Groom; Sol. Wilkinson, 2, Nicholas-lane, Lombard-street.—Fiat dated April 30.

WILLIAM THOMPSON, Cooper's-row, Crutched-friars, and Fowke's-buildings, Great Tower-street, London, wine and spirit merchant, dealer and chapman, May 19 at half-past 12, and June 16 at 12, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Allen & Nicol, 98, Queen-street, Cheapside.—Fiat dated April 30.

HENRY WALTERS, Bristol, licensed victualler, dealer and chapman, May 22 at 12, and June 18 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sol. Hassell, Bristol.—Fiat dated April 28.

WILLIAM BROOK, Manchester, and Goldsmith-street, London, stuff merchant, May 18 and June 15 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. E. and R. W. Bennett, Manchester; Hammond, Furnival's Inn, London.—Fiat dated April 16.

JOHN TAYLOR, Golcar, Huddersfield, Yorkshire, commission agent and woollen cloth merchant, May 19 and June 16 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sols. Sykes, Huddersfield, Yorkshire; Meggison & Co., King's-road, Bedford-row, London.—Fiat dated April 23.

EDWARD JOSEPH STAPLES, Bristol, surgeon and apothecary, dealer and chapman, May 18 at half-past 12, and June 18 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sols. Perkins, Bristol; Stevens & Co., 1, Gray's-inn-square, London.—Fiat dated April 29.

SAMUEL MOSLEY WADE, Liverpool, cotton dealer, guano merchant, and share broker, May 15 and June 9 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sols. Bremner, Liverpool; Johnson & Co., King's Bench-walk, Temple, London.—Fiat dated April 24.

JOSEPH TAYLOR, Liverpool, merchant, dealer and chapman, May 19 and June 12 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Rogerson & Radcliffe, Liverpool; Gregory & Co., Bedford-row, London.—Fiat dated April 28.

## MARRIAGES.

*Thomas Boydell Colborne and Arthur Acheson Dobbs*, Liverpool, wine merchants, May 18 at 11, District Court of Bankruptcy, Liverpool, pr. d.—*Thos. A. Phillips*, Muddersfield, Yorkshire, oil merchant, May 25 at 11, District Court of Bankruptcy, Leeds, last ex.—*Wm. W. Sanderson*, Great Russell-street, Covent-garden, Middlesex, baker, May 29 at half-past 1, Court of Bankruptcy, London, and ac.—*Robert Guss*, Clare, Suffolk, corn dealer, May 27 at 11, Court of Bankruptcy, London, and ac.—*Thos. Fras. Saunders*, Peckham, Surrey, brewer, May 27 at 11, Court of Bankruptcy, London, and ac.—*H. Docher*, Pall-mall, Middlesex, oilman, May 28 at 1, Court of Bankruptcy, London, and ac.—*S. Watson*, Highbridge, Burnham, Somersetshire, stonemason, May 28 at 12, District Court of Bankruptcy, Bristol, and ac.—*William Parsons*, Bristol, brewer, May 28 at 11, District Court of Bankruptcy, Bristol, and ac.—*Wm. Jones*, Usk, Monmouthshire, linen draper, May 25 at 11, District Court of Bankruptcy, Bristol, and ac.; May 26 at 11, div.—*Andrew Todd Patterson* and *John M. Malonek*, Liverpool, merchants, May 26 at 11, District Court of Bankruptcy, Liverpool, and ac.—*Francis Twigden Walker*, Liverpool, merchant, May 26 at half-past 11, District Court of Bankruptcy, Liverpool, and ac.—*Williams Bartley*, Liverpool, and Egreymont, Cheshire, money scrivener, May 26 at 12, District Court of Bankruptcy, Liverpool, and ac.—*John Banastre Falkner*, Liverpool, share broker, May 26 at 12, District Court of Bankruptcy, Liverpool, and ac.—*Geo. Dardier*, Liverpool, merchant, May 27 at 12, District Court of Bankruptcy, Liverpool, and ac.—*Thos. Edwards*, Llansainthfild, Montgomeryshire, surgeon, May 28 at 11, District Court of Bankruptcy, Liverpool, and ac.—*John Roberts*, Derwen, Denbighshire, farmer, May 26 at 12, District Court of Bankruptcy, Liverpool, and ac.; May 27 at 1, div.—*John Sanderson*, Liverpool, merchant, May 27 at 12, District Court of Bankruptcy, Liverpool, and ac.—*Sam. Littler*, Liverpool, draper, May 29 at 11, District Court of Bankruptcy, Liverpool, and ac.—*Henry Blunt*, Woolton, Lancashire, licensed victualler, May 27 at 11, District Court of Bankruptcy, Liverpool, and ac.—*Wm. Henry Bell*, Kingston-upon-Hull, seed crusher, May 27 at 11, Town-hall, Kingston-upon-Hull, and ac.; May 27 at 12, div.—*John Cough*, Huddersfield, Yorkshire, chemist, May 30 at 11, District Court of Bankruptcy, Leeds, and ac.—*James Hoyle*, Hogley, Almonbury, Yorkshire, clothier, May 30 at 11, District Court of Bankruptcy, Leeds, and ac.—*Elizabeth Rolph* and *Thos. Rolph*, Shepherd's-court, Upper Brook-st., Grosvenor-sq., Middlesex, builders, May 28 at half-past 1, Court of Bankruptcy, London, div.—*Wm. Parsons*, Bristol, brewer, May 29 at 11, District Court of Bankruptcy, Bristol, div.—*Antonio Mahe* and *Steph. More*, Liverpool, merchants, May 26 at 12, District Court of Bankruptcy, Liverpool, div.—*John Webster* and *Jos. Harrison*, Liverpool, merchants, May 26 at 12, District Court of Bankruptcy, Liverpool, div.—*Geo. Fred. Fairclough*, Liverpool, money scrivener, May 26 at 11, District Court of Bankruptcy, Liverpool, div.—*John H. Pemberton*, *Wm. Middleton*, and *Geo. Felton*, Liverpool, merchants, May 26 at half-past 11, District Court of Bankruptcy, Liverpool, div. sep. est. *John H. Pemberton*.—*John Threlfall*, Liverpool, banker, May 26 at 12, District Court of Bankruptcy, Liverpool, div.—*Jas. Sill* and *William Watson*, Liverpool, merchants, May 28 at 1, District Court of Bankruptcy, Liverpool, fin. div.

## CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Thomas Dowglass*, Vigo-street, Middlesex, cloth manufacturer, May 29 at half-past 11, Court of Bankruptcy, London.—*Rich. Chas. Turner*, Houndsditch, London, carpenter, May 27 at half-past 11, Court of Bankruptcy, London.—*Rich. Childs*, Queen Anne-street, Cavendish-st., Middlesex, tailor, May 27 at 12, Court of Bankruptcy, London.—*Hen. Ward*, Widford-mill, near Burford, Oxfordshire and Gloucestershire, and Ludgate-street, London, paper manufacturer, May 28 at 1, Court of Bankruptcy, London.—*Robert Geo. Spedding*, Queen-st., Cheapside, and Bush-lane, Cannon-street, London, zinc manufacturer, May 28 at 11, Court of Bankruptcy, London.—*Wm. Uriwin*, Watford, Hertfordshire, fellmonger, May 26 at 1, Court of Bankruptcy, London.—*John Roberts*, Derwen, Denbighshire, farmer, May 26 at 11, District Court of Bankruptcy, Liverpool.—*Samuel Littler*, Liverpool, draper,

May 29 at 11, District Court of Bankruptcy, Liverpool.—*Corn. Brady*, Aston-nigh-Birmingham, commission agent, May 27 at 1, District Court of Bankruptcy, Birmingham.—*Moses Smith*, Birmingham, iron founder, May 27 at 1, District Court of Bankruptcy, Birmingham.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before May 26.*

*Chas. Self*, Sun-st., Bishopsgate-street-without, London, plumber.—*Jas. Harris*, Leadenhall-market, London, butcher.—*Hen. Arnold*, Derby, cheese factor.—*John Alldrit*, Rugeley, Staffordshire, rope maker.—*John Wilkinson*, Haslingden, Lancashire, joiner.—*Hen. J. Barker*, Flixton, Lancashire, logwood and drug grinder.—*John Hutchinson*, Elland, Halifax, Yorkshire, iron founder.

## PARTNERSHIP DISSOLVED.

*Geo. Hartley* and *Jos. Heath*, Settle, Giggleswick, Yorkshire, attorneys, solicitors, and conveyancers.

## SCOTCH SEQUESTRATIONS.

*Geo. Brown*, Edinburgh, writer.—*And. Rutherglen*, Glasgow, bookseller.—*John Rich. Fisher*, Edinburgh, glass merchant.—*Wm. McIntosh & Co.*, Glasgow, commission merchants.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Jas. Sanders*, Gloucester-street, Commercial-road, Stepney, Middlesex, auctioneer, May 21 at 12, Court of Bankruptcy, London.—*John Capern*, Pembroke-mews, Grosvenor-place, Belgrave-square, Middlesex, licensed dealer in tea, May 21 at half-past 10, Court of Bankruptcy, London.—*Joseph Ledger*, Chatham, Kent, pig and cattle dealer, May 21 at half-past 10, Court of Bankruptcy, London.—*Geo. Kerstadt*, Woburn-pl., Russell-sq., Middlesex, clerk in the General Post-office, May 21 at half-past 10, Court of Bankruptcy, London.—*Joseph Winter*, Bowling-green-buildings, Stingo-lane, St. Mary-le-bone, Middlesex, ginger beer manufacturer, May 14 at 12, Court of Bankruptcy, London.—*Wm. Goudge*, Castle-street East, Oxford-street, Middlesex, coach smith, May 14 at 11, Court of Bankruptcy, London.—*Chas. Maltby*, Assembly-place, Assembly-row, Mile-end, Middlesex, clerk to a provision merchant, May 14 at 12, Court of Bankruptcy, London.—*Francis Wilby*, Whitfield-street, Paul-street, Finsbury, Shoreditch, Middlesex, school master, May 14 at 11, Court of Bankruptcy, London.—*Henry Martin*, Farnham Royal, Buckinghamshire, dealer in hay, May 12 at 1, Court of Bankruptcy, London.—*Ch. Midgeley East*, Davies-street, Berkeley-square, Middlesex, hair dresser, May 9 at 2, Court of Bankruptcy, London.—*Robt. Green*, Broad-street, Blandford-square, Middlesex, waiter, May 9 at half-past 2, Court of Bankruptcy, London.—*John Woodhill*, Croydon, Surrey, greener, May 9 at 2, Court of Bankruptcy, London.—*T. Waite*, Bath-terrace, Peckham, Surrey, clerk, May 9 at 2, Court of Bankruptcy, London.—*Thos. Maylam Walker*, Salisbury, Wiltshire, tailor, May 19 at 11, Court of Bankruptcy, London.—*J. Murdoch*, Bower-street, Commercial-road, Ratcliff, Middlesex, clerk in the Tithe Commutation Office, Somerset-house, May 26 at 11, Court of Bankruptcy, London.—*Wm. H. Carrington*, Green-street, Stepney, Middlesex, gauger in her Majesty's Customs, London, May 19 at 11, Court of Bankruptcy, London.—*G. Hall*, Mount-street, Walworth-road, Surrey, out of business, May 19 at 11, Court of Bankruptcy, London.—*J. Rishworth*, Upper Berkeley-street West, Middlesex, gentleman, May 26 at 11, Court of Bankruptcy, London.—*John Jackson*, Pontefract, Yorkshire, horse breaker, May 12 at 11, District Court of Bankruptcy, Leeds.—*Wm. Langman*, Exeter, slate merchant, May 14 at 1, District Court of Bankruptcy, Exeter.—*Rich. Jones*, Everton, Lancashire, joiner, May 11 at 11, District Court of Bankruptcy, Liverpool.—*Samuel Leathwood*, Liverpool, manager of a public-house, May 11 at 11, District Court of Bankruptcy, Liverpool.—*Francis Wilde*, Eytan, Alberbury, Shropshire, out of business, May 12 at 11, District Court of Bankruptcy, Birmingham.—*Simoon Howarth*, Manchester, provision shopkeeper, May 13 at 12, District Court of Bankruptcy, Manchester.—*John Brown*, Lowesmoor, Worcestershire, contractor for the mail, May 12 at 11, District Court of Bankruptcy, Birmingham.—*John Pugh*, Melverley, Shropshire, grocer, May 11 at half-past 12, District Court of

Bankruptcy, Birmingham.—*T. Smith*, Tottenhall, Staffordshire, locksmith, May 12 at 11, District Court of Bankruptcy, Birmingham.—*John Owen Hogg*, Newcastle-upon-Tyne, architect, June 5 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne.—*John Llewellyn*, Cardiff, Glamorganshire, grocer, May 25 at 11, District Court of Bankruptcy, Bristol.—*James Mogford*, Bristol, plasterer, May 14 at 11, District Court of Bankruptcy, Bristol.—*James M'Kenna*, Liverpool, auctioneer, May 13 at 12, District Court of Bankruptcy, Liverpool.—*W. Taylor Tyzack*, Hunslet, near Leeds, Yorkshire, tin plate worker, May 12 at 11, District Court of Bankruptcy, Leeds.—*William Booth*, Wilsden, Bradford, Yorkshire, worsted piece manufacturer, May 12 at 11, District Court of Bankruptcy, Leeds.—*Benjamin Pearson*, Honley, Almondsbury, Yorkshire, stone mason, May 12 at 11, District Court of Bankruptcy, Leeds.

*Saturday, May 2.*

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*Edmund Whitting*, Dalston, Middlesex, medical agent, No. 57, 679 T.; *Jeremiah Long*, assignee.—*Thos. Johnson*, Ryde, Isle of Wight, Hants, East India merchant, No. 67, 116 C.; *Charles Browne* and *Thomas Cuff Adams*, assignees.

*Saturday, May 2.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*James Robt. Frederic Chilman*, Exeter Change, Wellington-street, Strand, Middlesex, traveller for the sale of foreign fancy goods: in the Debtors Prison for London and Middlesex.—*J. Strother Sholler*, Oxford-market, Oxford-street, Middlesex, cheesemonger: in the Debtors Prison for London and Middlesex.—*William May*, John-street, Park-place, Locks-fields, Walworth, Surrey, carman: in the Gaol of Surrey.—*Emidio Baldassar Vincenzo Cesarini*, Oxenden-street, Haymarket, Middlesex, manager for a hotel keeper: in the Queen's Prison.—*Edw. Edwards* the elder, Mansel-street, Goodman's-fields, Middlesex, bricklayer: in the Debtors Prison for London and Middlesex.—*Wm. Lawrence Browne*, Robert-street, King's-road, Chelsea, Middlesex, clerk in the General Post-office, St. Martin's-le-Grand, London: in the Queen's Prison.—*Edmond Flamant*, Margaret-street, Cavendish-square, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Rich. Smith*, Wallingford, Berks, tailor: in the Gaol of Reading.—*Edmund Miller*, Halesworth, Suffolk, but of business: in the Gaol of Ipswich.—*Wm. Armer*, Harwell, near Wallingford, Berkshire, cattle dealer: in the Gaol of Reading.—*Ch. Stratton*, Stanford, near Farringdon, Berkshire, baker: in the Gaol of Reading.—*Joseph Upton*, Lewes, Sussex, agricultural labourer: in the Gaol of Lewes.—*George Rusling*, Ardwick, Manchester, master bricklayer: in the Gaol of Lancaster.—*Susannah Higgins*, Leeds, Yorkshire, out of business: in the Gaol of York.—*William Dresser*, Nether Siltton, near Thirsk, Yorkshire, out of business: in the Gaol of York.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Tuesday, May 19, at 9.*

*Wm. Thos. Beale*, Pennington-street, London Dock-wall, St. George's-in-the-East, Middlesex, mathematical instrument maker.—*Nathaniel Treasurer*, St. Thomas's-place, Dover-rd., Southwark, Surrey, commercial traveller.—*Emily G. Wood*, Windsor-place, Southwark-bridge-road, Southwark, Surrey, widow.—*John Wiltshire*, Duke-street, Lisson-grove, Marylebone, Middlesex, chandler's shopkeeper.—*Euphemia Edie*, Market-street, Tottenham-court-road, Middlesex, baker.—*A. Carroll* the younger, Stamford-street, Blackfriars-road, Surrey, agent for the Great Welsh Central Railway Company.

#### INSOLVENT DEBTORS' DIVIDENDS.

*Ch. Betts*, Kenninghall, Norfolk, general shopkeeper, May 12, Miller & Son, Norwich: 9s. in the pound.—*Rich. Best*, Esq., Cox, Son, & Walrod, 14, Sise-lane, Bucklersbury: 1s. 10d. in the pound, (in addition to former dividends of 16s.)

#### MEETINGS.

*Robt Parry*, Afonwen, Flintshire, publican, May 23 at 12, Horne's, Denbigh, sp. aff.

FRIDAY, MAY 8.

#### INSOLVENT.

**GEORGE SEABROOK**, Luton, Bedfordshire, straw hat and bonnet manufacturer and straw plait dealer.

#### BANKRUPTS.

**THOMAS FREEMAN**, Wood-street, Chapside, London, fringe and trimming manufacturer, May 15 at 12, and June 18 at 11, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Guillaume, Bucklersbury.—Fiat dated April 28.

**JOSEPH FEARNBY**, Windsor-terrace, City-road, Middlesex, worsted stuff manufacturer, dealer and chapman, May 19 at half-past 11, and June 19 at half-past 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Loughborough, Austin-frirs.—Fiat dated May 7.

**CHRISTOPHER CLARKE**, Goswell-road and Cranbourne-street, Middlesex, draper, dealer and chapman, May 19 at 2, and June 19 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Soles & Turner, 68, Aldermanbury.—Fiat dated April 30.

**JOHN JOSEPH TAYLOR**, Tooley-street, Southwark, Surrey, tobaccoist, dealer and chapman, May 14 at 2, and June 18 at 1, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Wellborne, 31, Tooley-street, Southwark.—Fiat dated May 7.

**JAMES WHITELAW** and **THOMAS WHITELAW**, Litchfield-street, Soho, and Store-street, Bedford-square, Middlesex, builders, dealers and chapmen, (trading under the firm of James Whitelaw & Son), May 15 at 2, and June 13 at 12, Court of Bankruptcy, London: Off. Ass. Grem; Sol. Smith, Furnival's-inn.—Fiat dated May 5.

**JOHN DODSWORTH ABRAMS**, York, tailor and draper, dealer and chapman, May 19 and June 16 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sol. Jackson, York; Harle, Leeds; Rushworth, Staple-inn, London.—Fiat dated April 30.

**SAMUEL SHANN**, Leeds, Yorkshire, cloth finisher, dealer and chapman, May 25 and June 15 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Kynaston; Sols. Robinson, Leeds; Strangways, Bernard's-inn, London.—Fiat dated May 4.

**SAMUEL OGDEN**, Manchester, woollen and cotton fabric, dealer and chapman, May 20 and June 9 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sol. Needham, Manchester; Johnson, Son, & Wetherhall, King's Bench-walk, Temple, London.—Fiat dated May 4.

**WILLIAM GILL**, Warrington, Lancashire, corn merchant, dealer and chapman, May 22 and June 12 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Nicholson & Sons, Warrington; Gregory & Co., Bedford-row, London.—Fiat dated May 2.

**CUTHBERT PARKER**, Liverpool, linen draper, May 20 and June 16 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Casanova; Sols. Green, Liverpool; Gregory & Co., Bedford-row, London.—Fiat dated May 4.

**BENJAMIN CLARKE**, Stroud, Gloucestershire, grocer, dealer and chapman, May 19 and June 19 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sol. Kearsay, Stroud.—Fiat dated May 2.

**ROBERT FOALE**, Kingsbridge, Devonshire, victualler, innkeeper, dealer and chapman, May 21 at 1, and June 17 at 11, District Court of Bankruptcy, Exeter: Off. Ass. Herniman; Sols. Weymouth, Kingsbridge; Turner, Exeter; Weymouth & Co., Angel-court, London.—Fiat dated May 4.

**STEPHEN KNOWLES**, Exeter, common brewer, dealer and chapman, May 20 and June 17 at 11, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. Stogdon, Exeter; Keddell & Co., Lime-street, London.—Fiat dated April 28.

#### MEETINGS.

*Wm. Newell*, Acton, Cheshire, sheep salesman, May 20 at 11, District Court of Bankruptcy, Liverpool, last ex.—*Wm. Edmund*, Bombay, East Indies, and *Thomas Edmund*, Liverpool, merchants, May 25 at 11, District Court of Bankruptcy, Manchester, last ex.—*Thomas Hubert*, Hungerford-market, Hungerford-st., Strand, and High Holborn, Middlesex, lighterman, June 2 at 1, Court of Bankruptcy, London, aud. ac.—*Jos. Sewell*, Great Dammow, Essex, grocer, June 2 at 12,

Court of Bankruptcy, London, and. ac.—*Abraham S. Syer*, Sudbury, Suffolk, grocer, June 4 at 12, Court of Bankruptcy, London, and. ac.—*Thos. Streeter*, High-st., Camden-town, Middlesex, draper, June 2 at half-past 11, Court of Bankruptcy, London, and. ac.—*Rich. Paris*, Ragland, Monmouthshire, innkeeper, June 4 at 12, District Court of Bankruptcy, Bristol, and. ac.—*Jos. Jardine*, Haverfordwest, timber merchant, June 4 at 11, District Court of Bankruptcy, Bristol, and. ac.—*Thos. Hull Bennett*, Cheltenham, Gloucestershire, timber merchant, May 28 at half-past 12, District Court of Bankruptcy, Bristol, and. ac.—*Jos. May* 29 at 12, div.—*John Gibbons* and *Wm. Sherwood*, Liverpool, merchants, June 1 at 12, District Court of Bankruptcy, Liverpool, and. ac.—*Jos. Ogle*, Pickwick, Wiltshire, and *Wm. Walton*, Liverpool, merchant, June 1 at 12, District Court of Bankruptcy, Liverpool, and. ac. and div.—*Jos. E. Robinson*, Liverpool, wine merchant, June 1 at 11, District Court of Bankruptcy, Liverpool, and. ac.—*Rich. Warr*, Beaminster, Dorsetshire, auctioneer, June 2 at 11, District Court of Bankruptcy, Exeter, and. ac.; June 3 at 11, div.—*Jos. Long*, Tavistock, Devonshire, linen draper, June 2 at 11, District Court of Bankruptcy, Exeter, and. ac.; June 3 at 11, div.—*Josiah Austen*, Devonport, Devonshire, draper, June 2 at 11, District Court of Bankruptcy, Exeter, and. ac.; June 3 at 11, div.—*Henry Decker*, Pall-mall, Middlesex, oilman, June 1 at 12, Court of Bankruptcy, London, div.—*Jos. Haigh*, Hogley, Almond-bury, Yorkshire, clothier, June 4 at 11, District Court of Bankruptcy, Leeds, div.—*John Clough*, Huddersfield, Yorkshire, chemist, June 4 at 11, District Court of Bankruptcy, Leeds, div.—*And. T. Patterson* and *John M. Maloney*, Liverpool, merchants, June 1 at 12, District Court of Bankruptcy, Liverpool, div.—*Fran. T. Walker*, Liverpool, merchant, June 1 at 12, District Court of Bankruptcy, Liverpool, div.—*Thos. Hodgson*, Liverpool, bookseller, June 1 at 12, District Court of Bankruptcy, Liverpool, div.—*Sydney Pilling* and *Rob. G. Watson*, Gateshead, Durham, wine and spirit merchants, June 5 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on the Day of Meeting.*

*Ja. Giro*, Moorgate-street, London, merchant, May 29 at 11, Court of Bankruptcy, London.—*Jos. T. Pascoe*, High-street, Mile-end New-town, Middlesex, metal refiner, May 29 at 1, Court of Bankruptcy, London.—*Chas. Henry Waters*, Queen's-row, Fimlico, Middlesex, dealer in paintings, May 29 at 1, Court of Bankruptcy, London.—*Thos. K. Rowbottom*, Huddersfield, Yorkshire, book-keeper, June 1 at 11, District Court of Bankruptcy, Leeds.—*Rob. Pickles*, Barnsley, Yorkshire, linen manufacturer, June 18 at 11, District Court of Bankruptcy, Leeds.—*John Clough*, Huddersfield, Yorkshire, chemist, June 4 at 11, District Court of Bankruptcy, Leeds.—*John C. Chambers*, Ipsley, Warwickshire, needle manufacturer, May 30 at 11, District Court of Bankruptcy, Birmingham.—*Jesse Hall*, Rochdale, Lancashire, share broker, May 29 at 12, District Court of Bankruptcy, Manchester.—*James Riding* and *Jas. Fielding*, Leyland, Lancashire, cotton manufacturers, May 30 at 12, District Court of Bankruptcy, Manchester.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before May 29.*

*Rob. Howland*, Thame, Oxfordshire, auctioneer.—*Samuel Harrison*, Poole, provision merchant.—*Geo. P. Payne*, Liverpool, dealer in optical instruments.—*Geo. Middleton*, Nottingham, wine merchant.—*James Gilbert Gore*, Cheltenham, Gloucestershire, innkeeper.—*John Turner*, Brooke-street, Holborn, Middlesex, manufacturer of printing materials.—*Dev. Davis*, Jermyn-st., St. James's, Middlesex, dealer in regiments.—*Fred. Lingard*, New Elvet, Durham, teacher of music.—*Thos. Parnell*, Manchester, laceman.—*John Dyer Williams*, Newcastle-st., Farringdon-st., St. Sepulchre, London, blacking manufacturer.

#### PARTNERSHIP DISSOLVED.

*William Thomas*, *Samuel Lepard*, and *David Williams*, Cloak-lane, London, attorneys and solicitors.

#### SCOTCH SEQUESTRATIONS.

*John Reid Prentice*, Edinburgh, picture dealer.—*J. Graham*

*Bankier*, Greenock, bookseller.—*J. Robert Finlay*, Glasgow, stock broker.—*Thomas Watson*, Edinburgh, builder.—*James Proven*, Glasgow, fisher.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Rich. Musgrave*, Church-house, Devonshire-terrace, New-road, Mary-le-bone, Middlesex, barrister at law, May 9 at half-past 2, Court of Bankruptcy, London.—*Henry Stalain*, Turnagain-lane, Farringdon-street, London, smith, May 28 at 11, Court of Bankruptcy, London.—*Stephen Wm. Brown*, Gravesend, Kent, mason, May 28 at 11, Court of Bankruptcy, London.—*Hugh Baker Bellett*, Sampford Arundell, Somersetshire, farmer, May 20 at 11, District Court of Bankruptcy, Exeter.—*J. Fry*, Wembdon, Somersetshire, out of business, May 20 at 11, District Court of Bankruptcy, Exeter.—*Rich. Williams*, Liverpool, book keeper, May 15 at 11, District Court of Bankruptcy, Liverpool.—*Wm. Henry Keye*, Cleckheaton, Birstal, Yorkshire, painter, May 21 at 11, District Court of Bankruptcy, Leeds.—*J. Shaw*, Sawood, Stainland, Halifax, Yorkshire, woollen manufacturer, May 21 at 11, District Court of Bankruptcy, Leeds.—*Sam. Burnicle*, Redcar, Marak, Yorkshire, tailor, May 21 at 11, District Court of Bankruptcy, Leeds.—*Jonas Fox*, Bowling, Bradford, Yorkshire, corn miller, May 21 at 11, District Court of Bankruptcy, Leeds.—*James Shepherd*, Leeds, Yorkshire, ostler, May 21 at 11, District Court of Bankruptcy, Leeds.—*Wm. Robins*, Walton, near Stone, Staffordshire, auctioneer, May 15 at 11, District Court of Bankruptcy, Birmingham.

*Wednesday, May 6.*

*Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Frederick Sturley*, Cross-street, Islington, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Alex. Gordon*, Albany-road, Old Kent-road, Surrey, master mariner: in the Debtors Prison for London and Middlesex.—*Emily Ann Birch*, York-road, Lambeth, Surrey, widow, out of business: in the Queen's Prison.—*Joseph Siddler*, Almond-bury, near Huddersfield, Yorkshire, bobbin winder: in the Gaol of York.—*Lewis Yates Coleman*, Mount Pleasant, Liverpool, clerk to a share broker: in the Gaol of Lancaster.—*R. Thomas*, Cardiff, Glamorganshire, out of business: in the Gaol of Cardiff.—*Wm. Hill*, Radcliffe cum Chackmore, Buckinghamshire, nail maker: in the Gaol of Aylesbury.—*J. Turbuck*, Kirkdale, near Liverpool, shopman to an ironmonger: in the Gaol of Lancaster.—*Robt. Hall*, Sheffield, Yorkshire, out of business: in the Gaol of Sheffield.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Friday, May 22, at 9.*

*Anthony Bacon*, Englefield-green, near Egham, Surrey, gentleman.—*Jeremiah Huggins*, Alderagate-street, London, out of business.—*Jas. Thompson*, Westmoreland-place, City-road, Middlesex, out of business.

*May 25, at the same hour and place.*

*Jos. Baynton Williams*, Portsmouth-street, Lincoln's-inn-fields, Middlesex, out of business.—*James R. Fred. Chilman*, Exeter Change, Wellington-street, Strand, Middlesex, town commission traveller for the sale of foreign fancy goods.—*W. Brindley*, Laburnum-terrace, Kingsland-road, Middlesex, manager at a papier machie mills.—*Wm. Thos. Scott*, Walham-green, Fulham, Middlesex, plumber.—*James Robt. Mackrell*, Chislehurst, Kent, engraver.—*Henry Turner*, Romford, Essex, grocer.

#### INSOLVENT DEBTORS' DIVIDENDS.

*John Evans*, Gate, Llandysill, Montgomery, farmer, Drew & Woosnam's, Newtown, Montgomery: 20s. in the pound.—*T. Cooper*, Thrapstone, Northamptonshire, carrier, Britten's, Northampton: 1s. 9d. in the pound.—*Edw. Taylor Weale*, Kingston-upon-Hull, commander in the Navy, on half pay, May 12, Hayes', Whitby, Yorkshire: 3s. 9d. in the pound, (in addition to a former dividend of 3s.)



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Printed by **WALTER M'DOWALL, PRINTER**, residing at No. 4, Pemberton Row, Gough Square, in the Parish of St. Bride, in the City of London, at his Printing Office, situate No. 6, Pemberton Row aforesaid; and Published at No. 3, CHANCERY LANE, in the Parish of St. Dunstan in the West, in the City of London, by **HENRY SWEET, LAW BOOKSELLER and PUBLISHER**, residing at No. 11, John Street, Bedford Row, in the County of Middlesex. Saturday, May 9, 1846.

# The Jurist

No. 488—VOL. X.

MAY 16, 1846.

PRICE 1s.

\* \* The following are the Names of the Gentlemen who favour THE JURIST with Reports of Cases argued and decided in the several Courts of Law and Equity:—

House of Lords .....	{ E. T. HOOD, Esq. of the Inner Temple, Barrister at Law.	Vice-Chancellor Wigram's Court .....	{ F. FISHER, Esq. of Lincoln's Inn, Barrister at Law.
Privy Council .....	{ TENISON EDWARDS, Esq. of the Inner Temple, Barrister at Law.	Court of Queen's Bench .....	{ G. J. P. SMITH, Esq. of the Inner Temple, Barrister at Law.
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Vice-Chancellor Knight Bruce's Court.....	{ W. W. COOPER, Esq. of the Inner Temple, Barrister at Law.	Ecclesiastical and Admiralty Courts .....	{ J. P. DEANE, D.C.L. of Doctors' Commons.
		Court of Review .....	{ W. W. COOPER, Esq. of the Inner Temple, Barrister at Law.

LONDON, MAY 16, 1846.

THE notice which has lately been attracted to the mode of election to the office of Benchers of the Inner Temple will probably, as frequently happens in similar cases, lead to an inquiry having much more extensive objects than that would seem to require. We fear the issue of court will prove to be like an old and badly constructed building, of which no part can be disturbed without causing the fall of the whole. For years, we may almost say for centuries past, the governing bodies of these societies have claimed and exercised an uncontrolled and irresponsible power, acquiesced in probably because no one who had the inclination has had the power, or, having the power, has had the inclination, to make any inquiry upon the subject. But the case is now altered. The recent exercise of the mode of election was too startling, and affected too seriously the feelings of the Bar generally, not to call for a searching investigation into its legality, and the right of the Benchers to lay down any such rule as that upon which they have acted; and an inquiry into that has necessarily led to an inquiry into other matters connected with the office of a Benchers, and the privileges and duties attached to it. Accordingly, we find an article in an able cotemporary\*, the writer of which, after adverting to the question immediately at issue, proceeds to examine into the early history of the inns of court, and to consider the office of Benchers, and his power over the members of the Bar.

Our readers are all well acquainted with Blackstone's account of the origin of the inns of court, but few probably have read Coke's account of the mode in which degrees were formerly conferred in them, and from which the present ranks in the Profession have been

derived. "Now, for the degrees of the law," says he, "as there be in the Universities of Cambridge and Oxford divers degrees, as general sophisters, bachelors, masters, doctors, of whom be chosen men for eminent and judicial places, both in the Church and in the ecclesiastical courts; so, in the profession of the law, there are mootemen, (which are those that argue reader's cases in houses of Chancery, both in terms and grand vacations). Of mootemen, after eight years' study†, or thereabouts, are chosen utter-barrister: of these are chosen readers in inns of Chancery. Of utter-barristers, after they have been of that degree twelve years at least, are chosen benchers or ancients, of which one, that is of the puisne sort, reads yearly in Summer Vacation, and is called 'a single reader;' and one of the ancients that had formerly read reads in Lent Vacation, and is called 'a double reader,' and commonly it is, between his first and second reading, about nine or ten years. And out of these the king makes choice of his attorney and solicitor-general, his attorney of the Court of Wards and Liveries, and attorney of the Duchy. And of these readers are serjeants elected by the king, and are, by the king's writ, called 'ad statum et gradum servientis ad legem;' and out of these the king electeth one, two, or three, as please him, to be his serjeants, which are called The King's Serjeants."

The Benchers or ancients were the rulers of the inn, and, as the writer we have quoted observes, their overactive zeal was in exact proportion to the apathy of modern Benchers. With regard to lectures and tuition, these latter, indeed, seem to have carried their apathy so far, as to have forgotten their original character, and to have considered themselves more as an association or club of gentlemen, than a public body, intrusted with

† In modern times, we know not for what reason, a much shorter preparation is deemed sufficient.

\* Law Review, May, 1846.

important functions, and answerable for the proper exercise of them.

In the debate upon Mr. O'Connell's motion in the House of Commons, May 14, 1884, the late Lord Abinger asserted that the whole of the property of the inns of court was the result of subscriptions amongst themselves, which had been handed down from one set of trustees to another, and was, in fact, as much private property as that which belonged to any gentleman in the House. If Lord Abinger had ever seen the document which the writer in *The Law Review* has brought to light, he would not have ventured to make such an assertion. It appears, by letters-patent, (which are to be seen in the Rolls Chapel), that James I, in the sixth year of his reign, made a grant to the Societies of the Middle and Inner Temple of the land and buildings which they had held as tenants to the Knights Hospitallers till the suppression of the order in the reign of Henry VIII, and afterwards of the Crown by lease. The grant is "to Sir Julius Cæsar, then Chancellor of the Exchequer, and fifty others, by name, probably Benchers, but who are not so described, and their heirs, in trust pro hospitacione et educatione professorum et studiosorum legum Angliæ." It is clear from this, that, in the Middle and Inner Temple, at least, the Benchers were trustees, and, if so, to whom were they responsible for the performance of their trust? We shall see that there is abundance of authority to show that they were subject to a superior jurisdiction. They were, in fact, under the control of the Crown, and of the judges as representing the Crown; and various instances are given in the work we have quoted of orders respecting the government of the inns of court, made sometimes by the advice of the Privy Council and judges, sometimes by the judges only, and sometimes by the Benchers, by the advice and discretion of the judges, proceeding from the king's suggestion. The following is one of them:—

"Orders necessary for the Government of the Innes of Court, established by the Commandement of the Queen's Majesty, with the Advice of her Privy Counsell and the Justices of her Bench and the Common Place at Westminster, in Easter Term, an. 16 Reginæ Elizabethæ, 1574.

"Imprimis, That no more in number be admitted from henceforth than the chambers of the houses will receive after two to a chamber; nor that any more chambers shall be builded to increase the number, saving that, in the Middle Temple, they may convert their old hall into chambers, not exceeding the number of ten chambers.

"Item. None hereafter admitted shall enjoy any chamber, or be in commons, unless he do exercise moots and other exercises of learning within three years after his admission, and be allowed a student or inner barrister by the Bench.

"Item. None to be called to the utter bar but by the ordinary counsell of the house, in their general ordinary counsells in the term time."

We here find the Crown and judges making regulations as to the number to be admitted, and as to calling to the bar. The next instance relates more particularly to Benchers:—

"At Serjeants Inn, 20 Junij, anno 38 Eliz., It was agreed by all the judges, by the assent of the Benchers of the four innes of court, that hereafter none should be admitted into innes of court till he may have a chamber within the house.

"That the readers hereafter be chosen for their learning, for their duly keeping of the exercises of their house, for their honest behaviour and good disposition, and such as for their experience and practice be able to serve the commonwealth.

"That no Benchers be called but such as be fittest both for their learning, practice, good and honest conversation; and that they call not to the bench too often, but very sparingly, in respect of the great multitude that there is already."

We should like to know what was then thought a great multitude; something, we expect, far short of the number at the present day.

We will only add one of the general orders of 36 Eliz., addressed to all the inns, in which the controlling power of the judges is strikingly exemplified. It is as follows:—

"That, before any be called to read, a note of the names of three or four next in turn to read be delivered to the justices of the house where the same shall be; and, in default of such justice, to the chief justices and chief baron for the time being, to the end that they may give their advice therein."

These and similar instances which we might quote shew conclusively that the judges formerly exercised the power of regulating the inns of court; and if so, when have they ever been deprived of it? That it has not been exercised in modern times is true, but that is because no case has ever been properly brought before them. Besides, mere non-user would not destroy their right, and the power they had in the time of Queen Elizabeth they must still possess, and may exercise when an occasion requires it. And what is the result of this? Let the Benchers of the different inns consider well their position. That they and their predecessors for many years past have been guilty of supineness and apathy, none can doubt; that they have not done anything towards carrying out the object of their institution, have not performed the trust on which, in two at least of the inns of court, they hold their property, is not to be denied; indeed, the late movement at the Middle Temple confesses it. It behoves them then to rouse themselves to do that, which, if they fail to do, the time will inevitably come, when their power will be taken away from them, and placed in more active and willing hands.

## Imperial Parliament.

### HOUSE OF LORDS.

Monday, May 11.

The Friendly Societies Bill was read a second time. The second reading of the Charitable Trusts Bill was postponed till Monday the 18th.

Tuesday, May 12.

Lord Brougham's Conveyance of Real Property Bill was read a second time.

MASTER IN CHANCERY.—The Lord Chancellor has appointed James Perrin, of Wotton-under-Edge, Gloucestershire, Gent., to be a Master Extraordinary in the high Court of Chancery.

# ON THE MODES OF BARRING THE RIGHT OF SURVIVORSHIP OF A MARRIED WOMAN IN REVERSIONARY PERSONAL INTERESTS.

In a paper, contained in a former Number of THE JURIST, (vol. 9, p. 514), the authorities bearing upon the question, whether a married woman's equitable reversionary interest in personalty, expectant upon the termination of a preceding life interest, can be barred, were collected and discussed; and it was urged, that, upon principle, admitting the authorities to leave the question in a doubtful state, the release of the preceding life interest, either to the wife or to the husband, could not have, either technically or consistently with the doctrines of equity, the effect of rendering the wife's right by survivorship capable of reduction into possession.

A pamphlet has recently been published by a learned writer\*, in which it is suggested that the object in question may be attained by the circuitous method of the prior tenant for life assigning his interest to a trustee, upon such trusts as the wife shall appoint, and then the wife appointing to herself. By this proceeding, it is contended, the wife would acquire an immediate absolute interest in the fund, which would thus be brought within the disposition of the husband; and if the fund were then transferred to the husband, a reduction into possession would be effected, which would bar the claim of the wife surviving. This we take to be the substance of the doctrine contained in the opinion given by Mr. Swinburne, and printed in his pamphlet, (page 7); and we shall proceed to discuss its soundness†.

According to the view that we take on this subject, the grounds of objection to the plan suggested by Mr. Jacob, which was the foundation of *Oldham v. Lewis*, (Lewin on Trusts, 296), are two: first, the purely technical one, that there can be no merger by a surrender of the prior life interest either to the wife or to the husband; and, secondly, the purely equitable one, that a court of equity will not assist a married woman to deprive herself of any right which she would have by law, if equity did not interfere; or, to adopt Mr. Jacob's mode of expressing it, that the court might think the assignment of the prior life interest to the wife a *contrivance* to defeat her right by survivorship, and might, perhaps, not hold her bound by it. We do not understand Mr. Swinburne, in his pamphlet, to dispute the validity of these objections, when the surrender is directly to the wife herself. We do not mean to say that he admits their validity; but he offers no observations against it. He appears, however, to conceive, that his suggested plan is intrinsically different, and effective, whatever may be the fate of Mr. Jacob's; and we collect, that he grounds the efficacy of his plan on the amalgamation of the life interest and the reversionary interest, being the result of the wife's own act, where, as he recommends, a power of appointment is incorporated. At least, this appears to be the spirit of the following passage, in p. 29 of Mr. Swinburne's pamphlet:—

"On the cases of *Bean v. Sykes* and *Wilson v. Oldham*, the writer would observe, that, under the mode of proceeding hitherto adopted to effect the dis-settle-

\* "The Means of dis-settling and dealing with Personal Property," &c. By T. Swinburne, M.A., Barrister. Blankm.

† The learned writer has also printed the opinion contrā of a Mr. —, whom he designates as of great eminence; and his own reply to such opinion, against which he argues, not without acuteness, but not without acrimony. With this feud we shall not meddle. It is not for us, as the Lord Chancellor expresses it in *The Duke of Leeds v. Amherst*, (9 Jur. 359), "cantas componere lites"—to bring ourselves within the wind of such a commotion. We shall, therefore, satisfy ourselves with discussing the dry question, whether Mr. Swinburne's dis-settling machinery will produce its intended effect.

ment in such cases, the safety of the trustees, for the reasons stated by Mr. Lewin and Mr. Jacob, can be ensured only by setting the absolute and irresponsible power of the court between them and the surviving wife, under the plan of proceeding suggested by the writer, which is to assign the life interest to a trustee, upon such trusts as the feme covert reversioner shall appoint, and then for the feme covert to appoint in favour of herself. There would not be the same occasion for the trustees to seek to shield themselves under the irresponsibility of the court; they would be enabled to ground their defence against the surviving wife on the legal operation of the *res geste*, and on the iniquity or want of equity of the wife's claim, inasmuch as it might, consistently with the established doctrines of equity, be contended, on the part of the trustees, and could not be disputed on the part of the surviving wife, that she had acted in the matter as a free agent, and had, by her own act while so acting, brought the reversion into possession, and put the fund into such a state as enabled the trustees, upon the clearest principles of equity, to transfer it without committing any breach of trust."

Now, it appears to us, that whatever arguments are of weight against the effect of a surrender of the life interest directly to the wife, are of equal weight against a surrender to a trustee, to such person as she shall appoint, completed by an appointment to herself contemporaneous with, or immediately following, the assignment.

Firstly, upon the technical ground of merger, which is the stated ground of the decision in *Lachton v. Adams*, (5 Law Journ., N. S., C., 382). The objection to the notion of merger of the life interest in the wife's reversionary interest where there is a surrender to her, is, that the wife cannot irrevocably assent to the gift to herself of an estate, but, by reason of her incapacity of coverture, can accept it only sub modo, viz. subject to her right of disclaiming it on becoming discoverte. Now, a general power of appointment, which can be exercised in favour of the donee absolutely, is in the nature of an estate; and it might, we think, be successfully contended, that a married woman can no more be conclusively bound by her acceptance of such a power, than she could by her acceptance of an actual estate. Hence, if this view be correct, the exercise by the married woman of the power of appointment, which is the formal acceptance of the estate coupled with the power, cannot be binding upon her, and, therefore, would not produce the required merger.

On the second, or equitable ground, the argument against Mr. Swinburne's proposed plan for destroying a married woman's right by survivorship, appears to us still stronger. If the court would not, in the case of surrender directly to the wife, hold her consent to the transfer of the fund binding upon her, on the ground of the transaction being a contrivance to defeat her right, in other words, a fraud upon the settlement, why should it suffer itself to be drawn aside from this broad equity, by the mere technical contrivance of interposing a power? If the legal right of the husband is not apparent,—if the assistance or interference of equity is at all requisite,—would a court of equity, on a question of the purest equity, tolerate the argument, that a married woman acts as a free agent, merely because she acts as the donee of a power to appoint to herself, instead of being the direct donee of an interest, when the whole transaction upon the face of it purports to be a mere contrivance to make her the instrument of defeating her equity? Could one be heard in equity to say that the gift to a married woman of a power given for the express purpose of enabling her to defeat her equitable right, and the exercise of the power by a deed contemporaneous with the gift of it, do not form together as complete an intended fraud upon the settlement, as a

surrender of the life estate directly to her? There is no distinction between the two transactions, unless it be technical. If there be such a technical distinction, its efficacy, if any, must be upon the rights of property that the law casts upon the parties. If the effect of it be to create a bona fide merger of the life interest, and an acceleration of the wife's reversion, stripped of its ingredient the contingent right of survivorship, then, of course, *cadit questio*; but if there is no such technical efficacy in the introduction of the proposed power of appointment, as affecting the common-law rights of the parties in the sort of case discussed, and we contend there is none, then we contend also, that, in equity, what will be looked at is, whether the transaction, taken as a whole, is not a fraudulent contrivance to destroy the wife's right by survivorship; and the court will not trouble itself, whether the wife be apparently a free agent, or not. The broad doctrine of equity, as between husband and wife, is this: if the husband has a legal right of property, equity will not in general take it from him; if he has not, the court will neither aid him in obtaining from the wife, nor suffer her by any act of her own to deprive herself of her legal rights of property.

### Court Papers.

EQUITY SITTINGS, TRINITY TERM, 9 VIC.

#### Rolls Court.

*Before the Right Hon. the MASTER OF THE ROLLS, at Westminster.*

Friday.....	May 22	Motions.
Saturday.....	23	Petitions.—The unopposed first.
Monday.....	25	Pleas, Demurrers, Causes, Further Directions, and Exceptions.
Tuesday.....	26	
Wednesday.....	27	
Thursday.....	28	Motions.
Friday.....	29	Pleas, Demurrers, Causes, Further Directions, and Exceptions.
Saturday.....	30	
Monday.....	June 1	
Tuesday.....	2	Motions.
Wednesday.....	3	
Thursday.....	4	
Friday.....	5	Pleas, Demurrers, Causes, Further Directions, and Exceptions.
Saturday.....	6	
Monday.....	8	
Tuesday.....	9	Petitions.—The unopposed first.
Wednesday.....	10	
Thursday.....	11	
Friday.....	12	Motions.

Short Causes, Consent Causes, and Consent Petitions every Saturday at the Sitting of the Court.

*Notice.*—Consent Petitions must be presented, and copies left with the Secretary, on or before the Thursday preceding the Saturday on which it is intended they shall be heard.

COMMON-LAW SITTINGS, IN AND AFTER TRINITY TERM, 1846.

#### Court of Queen's Bench.

MIDDLESEX.—*In Term.*

1st sitting .. Monday .. May 25, and two following days, at 11.  
2nd ditto .. Thursday .... 28, and subsequent days, at 11.  
3rd ditto .. Wednesd. June 10, at half-past 9 precisely, (for undefended causes only).

*After Term.*—Saturday, June 13.

A list of such remanets as appear fit to be tried in term will be printed immediately; but on the statement of either side that a cause is too long to be tried in term, it will be withdrawn from such list, provided the other side have two days' notice of the application at the Marshal's to postpone, and do not oppose the application on good grounds. The usual number of completed and new causes will be put into the list day by day in their usual order.

LONDON.—*In Term.*

Sitting at 12, on Thursday, June 11, for undefended causes, and such as the judge considers fit to be taken.

*After Term.*—Monday, June 15, to adjourn.

#### Court of Common Pleas.

*In Term.*

MIDDLESEX.	LONDON.
Wednesday.....	May 27
Wednesday.....	June 3
Friday.....	May 29
Friday.....	June 5

*After Term.*

Saturday..... June 13 | Monday..... June 15

The court will sit at ten o'clock in the forenoon on each of the days in term, and at half-past nine precisely on each of the days after term.

The causes in the list for each of the above sitting days in term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.

On Monday, the 15th June, in London, no causes will be tried, but the court will adjourn to a future day.

#### Exchequer of Pleas.

*In Term.*

MIDDLESEX.	LONDON.
1st sitting, Monday.. <i>May 25</i>	1st sitting, Friday.... <i>May 29</i>
2nd sitting, Monday .. <i>June 1</i>	2nd sitting, Friday.... <i>June 5</i>
3rd sitting, Monday .. <i>June 8</i>	By adjournment, if neces-

*After Term.*

Saturday..... June 13 | Monday..... June 15  
(To adjourn only).

The court will sit in Middlesex, at Nisi Prius, in term, by adjournment, from day to day, until the causes entered for the respective Middlesex Sittings are disposed of.

The court will sit, during and after term, at ten o'clock.

#### GENTLEMEN CALLED TO THE BAR.

The following Gentlemen have been admitted to the degree of Barrister at Law:—

LINCOLN'S INN, May 1.—Frank Kyffin Lenthall, Esq.; John Coppin, Esq.; Thomas Sampson Darnbrough, Esq.; William Austin, Esq.; Henry T. Cusack, Esq.; Montague Bernard, Esq.; Reginald Robert Walpole, Esq. May 6.—Francis Henry Deane, Esq.; Berdmore Compton, Esq.; Charles Cardwell, Esq.; Edward Kent Karalake, Esq.; Charles Watkin Williams Wynn, Esq.; Henry Cust Burges, Esq.

MIDDLE TEMPLE, April 17.—Charles Newton, Esq., of Caius College, Cambridge; Edward Morris, Esq.; Charles Frederick Stovin, Esq. May 8.—James Cove Jones, Esq.; William Henry Doyle, Esq.; Evelyn Boscawen, Esq., of Christ Church, Oxford; Gerard Roope, Esq.; Archer Gurney, Esq.; William Horton Claridge, Esq.; William Frederick Browne Staples, Esq.; John Godfrey Bellinger Hudson, Esq.; Donald Malcolm Logie, Esq.; John Harry Lee Wingfield, Esq., B.A.; Henry William Morris, Esq.; Delabere Robertson Blaine, Esq.; Fielding Nalder, Esq., B.A.; John Bower, Esq., of Magdalene Hall, Oxford; Edgar Kedington Rodwell, Esq.

INNER TEMPLE.—R. S. Eastwood, Esq.; R. M. Heron, Esq.; John Sheehan, Esq.; T. L. Yeoman, Esq.; William Everett, Esq.; John Riley, Esq.; John Darling, Esq.

GRAY'S INN, April 29.—James John Wilkinson, Esq.; Benjamin Way, Esq.

#### COURT OF QUEEN'S BENCH.

May 11.—Lord Denman, C. J., delivered the judgment of the court in

*Doe d. Merigan v. Daley*—Rule discharged.

## A REPOSITORY OF POINTS IN EQUITY AND CONVEYANCING,

*Designed to combine the Advantages of an Abridgment of, and an Index to, the recent Cases, and of an original Statement of the Points established thereby.*

By JOSIAH W. SMITH, B.C.L.,  
OF LINCOLN'S INN, BARRISTER AT LAW.

### PREFACE.

This Repository comprises the points in equity jurisprudence (as distinguished from equity pleadings and practice) and in conveyancing, which occur in *THE JURIST*, from the beginning of the Tenth Volume to the end of March; in the *Law Journal*, New Series, from January to March, inclusive; and in the other Reports published during the same period, namely, 12 *Clark & Fennelly*, part 2; 2 *Collyer*, part 1; 4 *Hare*, part 3; 5 *Adolphus & Ellis*, part 5; 6 *Adolphus & Ellis*, part 1; 14 *Meeson & Welsby*, parts 2 and 3; and 7 *Manning & Granger*, part 3. And it has been written with the hope that it will be considered to *relieve the Profession from the arduous labour of reading and making notes of the cases in equity and conveyancing*; although, of course, nothing can remove the expediency of possessing the reports themselves, for the purpose of quotation and reference; and, if possible, it will be succeeded by another part *every three or four months*, comprising the cases in all the reports published within the intervening period.

The reporters' marginal abstracts of the cases are very accurate and ably written, and are doubtless framed in the best mode for assisting the practitioner in referring to the cases. But, on that very account, they are necessarily ill calculated for conveying to the mind, and enabling it to retain, the *points and principles* involved in those cases, because those abstracts are, and were designed to be, *merely abridged statements of the particular cases reported*, and not propositions, rules, or placita so framed as to exhibit with brevity and perspicuity the precise points of law and equity which the decisions in those cases have established, divested of the names, dates, sums, quantities, and other particulars which are of no use to the student, and have no connexion with the cases with reference to which such decisions are consulted by the practitioner.

In the present attempt, which entirely differs from the existing periodical digests, the aim of the writer has been to accomplish the difficult design of moulding the *essential parts* of the cases into *precise placita*, in such a way as to exhibit the points of law and equity which the decisions in those cases serve to establish, with the grounds and reasons for those decisions. He has not worded these placita in *more general terms*, because it would be unsafe to deduce a general rule from a single case, especially as the decisions are so frequently grounded upon the particular circumstances, and because, if worded *less specifically*, the placita would not answer the purpose of a Digest of the Cases, by acquainting the practitioner, as they will when framed as above, with the degree of resemblance or material difference between the cases from which they are derived, and the cases occurring in practice with reference to which such placita may be consulted.

As these placita are designed *not only for reference, but for regular perusal*, to acquaint the practitioner and student with the newly decided points of law and equity as early as possible, it seems highly desirable to publish them quarterly, or as nearly so as opportunity will permit. At the same time, the advantages for reference of an *annual index* will be easily and completely secured, by embodying, at the end of the year, the principal and subordinate titles of the several placita in the General Index to the miscellaneous portion of *THE JURIST*.

It has been suggested to the writer, that he should

confine the Repository to the leading cases. But he conceives that this would be unsatisfactory: for, what one might consider to be a leading case, another might not; and what might be a very unimportant decision to most persons, might to some one be of the utmost moment, as being peculiarly applicable to his own particular case; and cases which may never be followed by others of the same kind, may, nevertheless, be of great indirect value, in deciding other cases to which they bear some analogy.

### PART I.

#### ADMINISTRATOR.

*Equitable Assets.*—When a testator devises real estate upon trust to sell, and declares that the proceeds shall be deemed part of his personal estate, and then proceeds to make a disposition of his personal estate after payment of his debts, the real estate is equitable assets for payment of debts. *Shakels v. Richardson*, 2 Coll. 31.

*Priority of Debt due for Rent from a Tenant from Year to Year.*—In the administration of assets, a debt due for rent of land occupied by a tenant from year to year has priority over ordinary simple contract debts. *Clough v. French*, 15 Law J. 24—V. C. E.

#### AGREEMENT.

*Usurious Contract.*—Where a builder, to whom a person has agreed to grant a lease for a long term of years for building purposes, receives advances of money to enable him to carry on the building, and thereupon it is agreed that the lease shall be made or assigned to the lender, and that the borrower shall pay *rent* to the lender at the rate of 8l. per cent. from the date of each payment, and take a lease from him, but that the borrower is to have the option of selling the houses, provided he pays the lender the amount advanced, and *all rent due*, such an agreement is usurious and void. *Belcher v. Vardon*, 2 Coll. 162.

*Usurious Contract entered into by one who afterwards becomes Bankrupt.*—Assignees of a bankrupt who seek relief against one of his creditors in respect of an usurious contract entered into by the bankrupt, are not required to pay the whole amount fairly due to such creditor, but are entitled to relief upon the terms of allowing a proof under the fiat for that amount, and interest at 6l. per cent. *Id.*

*Part of an Agreement enforced by Injunction.*—*Agreement not to engage in a Business.*—Where an agreement consists of two parts, and one of them cannot be enforced, the Court of Chancery will nevertheless enforce the other part, where it is quite distinct, and mainly founded on a distinct valuable consideration, although the part which cannot be enforced may have formed part of the inducement to enter into the other part which is enforced. So that, where one person, in consideration of a sum of money, agrees not to engage in a certain business within a certain locality, and the other party agrees to employ him in that business at a salary so long as that business shall be carried on, or the latter shall diligently and faithfully attend to it, the first part of the agreement will be enforced by injunction, although the second part may not be capable of being enforced. *Rolfe v. Rolfe*, 10 Jur. 61—V. C. E.

If a person agrees not to carry on, practise, or engage in a certain business within a particular locality, he violates his agreement if he acts as foreman to another person in that business. *Id.*

See "*Specific Performance.*"

#### ANNUITIES.

*Whether perpetual, or for Life only.*—Where a testator wills that his property "produce" to his wife and



another relative certain "annuities," and to two of his children, for whom he makes no other provision, certain "annuities" for themselves and their children, (who are not then in esse), the said annuities, after the decease of his wife and the other relative, to be equally divided between his children, such annuities are not mere life annuities, but are perpetual annuities, that is, gifts of so much property as will produce an annual income to the amount specified; for it is clear that the duration of the annuities given to the wife and the other relative are not to be measured by the lives of the first takers, since the very same annuities are limited over on the death of the first takers, as annuities continuing to subsist beyond that period; and it is obvious, that, by the annuities given to the two children, a benefit was intended for their unborn children as much as for themselves; and yet it would be very inconvenient that the children of the testator's children should take as coequal *que* trust simultaneously with their parents: and the testator's children might die shortly after the birth of the grandchildren; and, in that case, if the annuities then dropped, the grandchildren would be deprived of all benefit from the testator's bounty in the very event in which they would most need it. So that the best way of effectuating the plain intention of the testator, to benefit the grandchildren, is to give to their parents the absolute interest in such an amount as will produce the annuities; for, although there is no certainty, even in this case, that the grandchildren will take any part of the property in which the children have the absolute interest, since the children may otherwise dispose of it in their lifetime, or render it liable to the claims of creditors, yet, by giving the absolute interest to the children, the grandchildren may, and, but for the fault of the children, will, take derivatively through them, by deed or will, or under the Statute of Distributions. *Stokes v. Heron*, 12 Cl. & Fin. 161.

**Construction of a Codicil, with reference to the question whether it cuts down an Annuity given by Will to a Life Annuity.**—Where a testator wills that his property produce an annuity to his daughter for herself and her children, and it is held that this disposition, viewed by itself, gives a perpetual annuity to the daughter; and, by a codicil, the testator makes a declaration, beginning with the copulative conjunction "and," stating, that in case the residuary devisees and legatees named in his will shall die without leaving issue male, his will is, that, after the decease of his wife (who is also an annuitant) and his daughter, his "remaining property shall then be equally divided between" certain collateral relatives and their children: this subsequent disposition does not cut down the daughter's annuity to a life annuity, or in any way affect it, but is a mere substitution of other residuary devisees and legatees for the one named in the will, in case of the death of the latter without leaving issue male; for the words "my remaining property" mean that which has not been before disposed of, and exactly correspond to, and are simply descriptive of, the "rest and residue" mentioned in the will, and consequently have no effect upon the preceding particular dispositions. *Id.*

#### ASSIGNMENT.

**Good except as against Creditors.**—Although an assignment be fraudulent as against creditors, it operates to pass the goods as against the party himself and strangers. *Bessey v. Windham*, 6 Adol. & Ell. 166.

**Whether a Deed be a present *bonâ Fide* Assignment, and whether it passes things subsequently to be brought on the premises mentioned therein.**—Where a deed purports to assign household goods and furniture, and other things (including some perishable articles) which at the date thereof are, or at any time during the continuance of the security thereby created shall be, in,

about, and belonging to certain houses and lands; subject to be avoided on repayment of a sum of money on a given day, or at such earlier time as the assignee shall appoint by notice ten days before such time, with interest in the meantime; and the deed contains a declaration, that, after default in payment of the said sum and interest, the assignee may take possession of, and hold and enjoy the said goods, &c., and also sell and dispose of the same for payment of such sum, and interest and expenses; and, further, that, until such default, the assignee may hold, make use of, and possess the said goods, &c.: the deed is a present assignment, *bonâ fide* intended to pass the property at all events, and not a fraudulent assignment, intended to defeat another creditor, or an assignment which will not pass the ownership until default in payment. But the deed cannot operate as an assignment of goods thereafter to be brought upon the premises. *Gale v. Burrell*, 10 Jur. 198—Q. B.

**Incomplete voluntary Assignment of Turnpike-bonds and Shares in a Company.**—Where a person, by a voluntary deed, assigns turnpike-bonds and shares in a company to a trustee, in trust for himself for life, and, after his death, for a relative, and delivers to the trustee the bonds and share certificates, but such steps as are required by the General Turnpike Act, 3 Geo. 4, c. 126, s. 81, and by the rules of the company, in order to effect an assignment, are not taken, nothing passes by the deed. *Searle v. Law*, 10 Jur. 191—V. C. E.

#### CHARGE.—*See "Debt."*

#### CHOSE IN ACTION.

**Interest in a Partnership.—Railway Share.**—An interest in a partnership, (such as a railway share), being a chose in action, is not assignable at law, so as to enable the assignee to sue as a partner; but it is a thing of value, and may be made the subject of a valid contract. *Tempest v. Kimer*, 15 Law J. 10—C. P.

#### CONSTRUCTION.

**Meaning of the Words "Mines," "Minerals" and "Fossils."**—Where waste lands, to the soil of which, including everything beneath the surface, the lord of the manor is entitled, are allotted under an Inclosure Act, which takes away from the lord all right to and interest in the soil, except that it reserves to him all mines and minerals of what nature or kind soever, with the liberty of digging for and carrying away the lead ore, lead, coals, ironstone, and fossils to be gotten thereout; with a proviso that he shall keep the first layer or stratum of earth separate, without mixing the same with the lower strata; the word "mines" includes quarries out of which anything is dug; and the word "minerals" includes stone, as also does the word "fossils." This construction derives support from a consideration of the object of the Act, which is simply to give the surface for cultivation to the commoners; and it is greatly favoured by the proviso against mixing the upper and lower strata. *The Earl of Rosse v. Wainman*, 15 Law J. 67—Exch.

**CONTRACT.—*See "Agreement," "Specific Performance."***

#### DEBT.

**Annuity included in the word "Debts."**—Where it appears, from certain letters and from parol evidence, that a testator, for valuable consideration, contracted to grant an annuity, and he devises estates upon trust to pay, satisfy, and discharge all debts, whether by bond or mortgage, or due on simple contract, in exoneration of his personal estate, the annuity is charged as a debt on the real estate. *Money Penny v. Maschal*, 2 Coll. 213.

**Damages for a Breach of Covenant after the Cov-**

*lessor's Death, recoverable as a Debt under a Charge for Payment of Debts.*—Where a lessor covenants for quiet enjoyment, and devises his real estates, subject to, and charged with, the payment of his debts, and after the lessor's death the lessee is evicted, and means profits are recovered from him, and he subsequently recovers damages against the lessor's executors, but the lessor's personal estate is insufficient to pay such damages, the lessee is entitled to have the loss sustained by him from the breach of the covenant for quiet enjoyment made good as a debt out of the real estate devised, under the charge for payment of the testator's debts, including, as constituent parts of such loss, the costs of the action of ejectment, and the action for means profits, and the action of covenant, and the action for ascertaining the value of the lease and of the crops on the ground, and the value so ascertained, together with interest at 4l. per cent on the same from the time when the same was so ascertained, and on such costs. *Morse v. Tucker*, 10 Jur. 173—V. C. W.

#### DEBTOR AND CREDITOR.

*Superiority of the Title of Cestuis que Trust and of a Title by Set-off over an equitable Title of the Indorsee of a Promissory Note.*—Where a trustee allows a sum of money, to a part of which he is beneficially entitled, to remain on a promissory note payable to himself only, and not to him or his order, and he afterwards, as a security for advances, indorses the note to a person who is both his own banker and the banker of the maker of the note, and who had no notice of the trust, and subsequently the maker of the note becomes a creditor of the trustee for goods sold, without notice of the indorsement of the note; in such case, as to the trust portion of the money secured by the note, the trust prevails against the banker's security, because the banker acquired only an equitable title, and therefore no better title to the note, or the money secured by it, than the indorser could rightfully confer, and, consequently, no title as against those for whom he is a trustee. And, as to the portion to which the indorser of the note is beneficially entitled, the set-off of the maker of the note prevails against the banker's title, as regards the amount of such set-off prior to the time of the former receiving notice of that title; but, subject to the trust and the set-off, the banker has a lien or specific claim in equity to the money secured by the note, and lying as a balance in his hands. *Moore v. Jarvis*, 2 Coll. 60.

*Displacing Set-off.*—Where the debtor gives a promissory note, and, as a collateral security, deposits a policy of assurance, and afterwards obtains the policy back, he does not thereby displace a right of set-off which he had before the delivery back of the policy. *Id.*

#### DEBTOR AND CREDITOR, AND SOLICITOR AND CLIENT.

*Composition-deed.*—Where a debtor and his creditors, among whom is his solicitor, execute a composition-deed, whereby the debtor covenants to pay a certain sum annually for a certain period, and to insure his life forthwith for the aggregate amount so agreed to be paid to secure the payment of such amount, and the deed contains a proviso, that if the debtor shall fail in paying any of such sums, or in effecting or keeping on foot such insurance, the deed shall be void; and the solicitor neglects to explain to his client, the debtor, or to ascertain whether the debtor understands, the obligation imposed on him by the deed, which it was the duty of the solicitor to do, and the debtor does not insure his life until after the payment of the first instalment, and only for the amount then remaining due, the solicitor cannot insist on the proviso for avoiding the deed, and may be restrained from prosecuting an action for his entire debt, even though there was a private agreement between the debtor and the solicitor, when the deed

was prepared, that the debt due to the latter should be paid in full. *Watts v. Hyde*, 10 Jur. 127—V. C. B.

#### DEVISE.

*"Heir or Heirs," a Designatio Personarum.*—Where a testator, by a will made before the stat. 1 Vict. c. 26, after devising particular estates in real property, has devised the same to such person or persons as, at the time of his decease, should be the heir or heirs at law of a particular individual; the words "heir or heirs at law" are simply a designatio personarum; the words "such person or persons as at the time of my decease shall be" depriving the former of the force and effect of words of limitation, which, but for the words last quoted, they would have possessed, in addition to the sense of a designatio personarum; and hence the person answering the description of heir of the individual named takes only a life estate, although the testator recites that the estate came to him from that individual, and although it would seem most probable that he intended to give back the ultimate fee to the family of that individual, on failure of his own family. *Doe d. Sams v. Garlick*, 15 Law J. 54—Exch.

*Effect of a Charge in passing the Fee.*—A devise of real estate, before the stat. 1 Vict. c. 26, subject to and charged with an annuity, will not pass a fee, without words of limitation, by force of the words "subject to and charged with the annuity," because, in this case, the annuity is not charged upon the person of the devisee, but only upon the estate; and, therefore, no argument can be drawn from the charge, that a fee was intended to be given. *Id.*

#### DONATIO INTER VIVOS—DONATIO MORTIS CAUSA.

*What will constitute such a Donation.*—It would seem that a gift which was intended to take effect at the same time and in the same way as a will cannot be a donatio inter vivos; and it would seem, that, to constitute an act a donatio mortis causa, the subject-matter must be delivered, either in terms, or unequivocally in effect, as a donatio mortis causa. Hence, where a person, a considerable time (two years, for instance) before his death, incloses certain securities, and a writing mentioning the persons for whom they were intended, in a wrapper directed to those persons, and places them in a tin box in the presence of another person, whose name is on the box, and gives the key to him, and, in his last sickness, sends the box and contents to that person, but in the writing has made it clearly appear that he did not intend the objects of his bounty to take any interest in his lifetime, and has accordingly dealt with the property as his own in the intermediate time: in such case, the person to whom the box was delivered is deemed to have had possession in the character of an agent only; and the transaction is not a donatio inter vivos, because it was clearly intended as a testamentary act; and it is not a donatio mortis causa, because there is nothing to shew that the delivery was any other than a delivery to a mere agent, as such. *Ferguson v. Carr*, 10 Jur. 63—V. C. B. In this case, the box also contained title-deeds of property, part of which was devised to other persons; but it was not necessary to lay any stress on that circumstance.

#### ELECTION.

*As to a Scotch Heritable Bond.*—Where a testator, by a will made before the stat. 1 Vict. c. 26, devised all the residue of his real, personal, and mixed estate and effects, whatsoever and wheresoever, which he might be seized or possessed of or entitled to at the time of his decease, upon trust, as to a part, for his heir-at-law; and, after the date of the will, a Scotch heritable bond, which, according to the law of Scotland, belongs to the eldest son, as heir-at-law, was executed to the testator,

to secure a debt existing at the date of the will; the heir-at-law is not put to his election as to the bond debt, but is entitled both to the bond debt and to the share of the general residue given him by the will. *Allen v. Anderson*, 10 Jur. 196—V. C. W.

#### ESTATE.

*Legal Fee in a Trustee, with vested Estates Tail in the Cestui que Trust.*—Where a testator gives in trust to a person, the remainder of his property, of whatsoever kind, to assist him to bring up, educate, and provide for the children of another person, whom he names individually, and he directs, that, when the youngest attains the age of twenty-one years, all his property be equally divided amongst them or their lawful issue, but the division is not to take place, notwithstanding the youngest child have attained twenty-one, until the death of certain persons, the trustee takes the legal estate in fee, and the children vested equitable estates tail on the death of the testator. *Parkin v. Knight*, 10 Jur. 23—V. C. E.

*As to Quantity of Estate, see "Annuities."*

#### EXECUTOR.

*Devise or Bequest to an Executor, but not in that Character.*—Where a testator, without formally appointing his executor, gives real or personal property to his "brother," (naming him), and adds to his name the designation "my executor," the legacy, notwithstanding that designation, will not be deemed to be given to the testator's brother in his character of executor; so that he will not lose the gift by not proving and not acting under the will. *Compton v. Blozham*, 2 Coll. 201.

*Indemnity against his Testator's Covenants.*—If an executor unconditionally assents to a specific bequest of leasehold estate, he can require no indemnity out of the testator's general estate in respect of covenants in the lease entered into by the testator. *Shadbolt v. Woodfall*, 2 Coll. 30.

#### EXONERATION OF PERSONALTY—See "Debts."

#### FRAUD.

*Copying a Trade-mark.*—Where a trade-mark used by one person is closely imitated by another, as the latter himself admits, he is liable to an injunction, although the word which constitutes the principal characteristic in the trade-mark may have been used by third persons before it was used by the plaintiff: for the defendant must be taken to have so closely imitated the trade-mark, with an intent to gain an advantage to which he was not entitled. *Hins v. Lart*, 10 Jur. 106—V. C. E. In this case the trade-mark consisted of the word "Ethiopian," marked in a particular way on black stockings.

*Solicitor, as Mortgagee, transferring a Mortgage, and then selling the Estate without Notice of the Transfer, and absconding with the Purchase-money.*—Where a solicitor takes a mortgage in fee from a client, and enters into possession of the estate, and afterwards transfers the mortgage to another client by a deed drawn in his own office, and delivers the title-deeds to him, but remains in possession of the estate, and subsequently procures the title-deeds from the transferee, except the deeds of transfer, for the purpose, as the transferee was aware, of preparing an abstract for a proposed purchaser, and the solicitor sells the estate to such purchaser, and receives the purchase-money, and delivers to him the title-deeds, except the deeds of transfer retained by the transferee, and puts the purchaser into possession without notice of the transferee's title, and then absconds; in such case, if the transferee had not notice, before the solicitor absconded, of the payment of

the purchase-money to the solicitor, and had not authorised or assented to the solicitor's receiving the purchase-money, he will not be postponed to the purchaser. For there is no reason to suppose that he kept back the deed of transfer in order to enable the solicitor to commit a fraud, as he would naturally prefer keeping that deed, and he would see no necessity for parting with it, inasmuch as the solicitor, having prepared it, would of course have a copy of it, which he could use for the abstract; and he had no right to suspect that the solicitor intended to commit a fraud by concealing the transfer of the mortgage, and, therefore, he had a right to think the purchase-money would not be paid by the purchaser without the delivery of his deed of transfer. *Stevens v. Stevens*, 2 Coll. 20.

(This Part to be continued next week).

#### London Gazette.

TUESDAY, MAY 12.

#### BANKRUPTS.

JOSEPH FEARNLEY, Windsor-terrace, City-road, Middlesex, worsted stuff manufacturer, dealer and chapman, May 19 at half-past 11, and June 19 at half-past 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Loughborough, 23, Austin-friars.—Fiat dated May 7.

NATHANIEL LEVY, (carrying on business under the name of Nathaniel Levy Nathan), Butcher-row, Aldgate, London, carcass butcher, dealer and chapman, May 19 at 2, and June 23 at 11, Court of Bankruptcy, London: Off. Ass. Alsager; Sol. Smith, Barnard's Inn, Holborn.—Fiat dated May 7.

JOHN GREEN, Yarmouth, Norfolk, coal merchant, ship broker, dealer and chapman, May 20 at 1, and June 23 at 12, Court of Bankruptcy, London: Off. Ass. Belcher; Sols. Messrs. Moores, Sunderland; Nixon, 13, Clifford's Inn.—Fiat dated May 8.

CHARLES CULLEDGE BARLEY, Wisbeach St. Peter's, Isle of Ely, Cambridge, grocer, dealer and chapman, May 20 at half-past 1, and June 23 at 11, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Hill & Mathews, Bury court, St. Mary Axe.—Fiat dated April 24.

BROOKES HUGH BULLOCK, Nicholas-lane, London, wine merchant and commission agent, dealer and chapman, May 20 and June 13 at 12, Court of Bankruptcy, London: Off. Ass. Green; Sols. Walter & Pemberton, Symond's Inn.—Fiat dated May 8.

CHARLES M'KINNELL, Fenchurch-street, London, wine merchant and dealer in cigars, dealer and chapman, May 19 at half-past 2, and June 23 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Vanderoom & Co., Bush-lane, Cannon-street.—Fiat dated May 11.

ROBERT HEARN, Doddington-grove, Kennington, Surrey, and Wood-street, Cheapside, London, commission agent, dealer and chapman, May 20 and June 18 at 2, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Moss, 4, Queen-street, Cheapside.—Fiat dated May 8.

WILLIAM WELLS and JOHN CLAXTON, Victoria-wharf, Bankside, Southwark, Surrey, coal merchants, dealers and chapmen, May 22 and June 16 at 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Jordonson, 2, St. Mary-at-Hill, Eastcheap.—Fiat dated May 7.

FREDERICK SAVERY, Hillingdon, Middlesex, baker and corn chandler, dealer and chapman, May 21 at 2, and June 22 at half-past 1, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Burbridge, Hatton-garden.—Fiat dated May 11.

CHARLES FREDERICK CARNE and MAURICE TELLO, Liverpool, merchants, dealers and chapmen, June 1 and 22 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Davenport & Collier, Liverpool; Chester & Co., Staple Inn, London.—Fiat dated May 8.

GEORGE WHITFIELD, Nottingham, lemonade and soda water manufacturer, and wine and spirit merchant, May 21 and June 11 at 1, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Brown, Nottingham; Smith, Birmingham.—Fiat dated March 4.

**RICHARD LEES**, Wolverhampton, Staffordshire, ironmonger, dealer and chapman, May 23 and June 13 at 1, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Crisp, Wolverhampton; Geddy, George-street, Mansion-house, London.—Fiat dated May 2.

**JOHN ANDREWS**, Hill-house, near Huddersfield, Yorkshire, commission agent and share broker, dealer and chapman, (lately carrying on business at Huddersfield as a commission agent and share broker, dealer and chapman, under the firm of John Andrews & Co.), May 25 and June 15 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Kynaston; Sols. Hird, Huddersfield; Sanderson, Leeds; Clarke, Chancery-lane, London.—Fiat dated May 4.

**SAMUEL BREAR SOWDEN**, Leeds, Yorkshire, (heretofore carrying on business at Leeds as stock and share broker, under the firm of S. B. Sowden & Co., and afterwards with Samuel Blakelock, at Leeds, as brokers, under the firm of Sowden & Blakelock), May 26 and June 16 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Sanderson, Leeds; Rushworth, Staple Inn, London.—Fiat dated May 8.

**JOHN BACON**, York, carpenter, joiner, builder, dealer and chapman, May 26 and June 16 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Hodgson, York; Cariss, Leeds; Brook, Featherstone-buildings, Holborn, London.—Fiat dated May 7.

**WILLIAM BADGER**, Rotherham, Yorkshire, boot and shoe maker, dealer and chapman, May 22 and June 12 at 11, Cutlers'-hall, Sheffield: Off. Ass. Freeman; Sols. Broadbent, Sheffield; Tattershall, Great James-street, London.—Fiat dated May 6.

**EDWARD LINLEY** and **AARON LINLEY**, Sheffield, Yorkshire, sheep shear and cut nail manufacturers, dealers and chapmen, May 22 and June 12 at 11, Cutlers'-hall, Sheffield: Off. Ass. Freeman; Sols. Raynor, Sheffield; Moss, Serjeant's Inn, Fleet-street, London.—Fiat dated May 6.

**THOMAS HARTLEY** and **ROBERT INGHAM**, Leeds, Yorkshire, stock and share brokers, dealers and chapmen, May 27 and June 15 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Nelson, Leeds; Nelson & Co., Graham-place, Lombard-street, London.—Fiat dated April 16.

**THOMAS ROGERS**, Bradford, Yorkshire, surgeon dentist, dealer and chapman, May 26 and June 15 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Butterfield & Co., Bradford; Bond, Leeds; Gregory & Sons, Clement's Inn, London.—Fiat dated May 7.

**JOHN WILMOT**, Lenton, Nottinghamshire, coach proprietor, dealer and chapman, May 22 and June 12 at 11, Cutlers'-hall, Sheffield: Off. Ass. Freeman; Sols. Bowley, Nottingham; Johnson & Co., Temple, London.—Fiat dated May 7.

**JOHN PAGE**, Walsall, Staffordshire, iron dealer, dealer and chapman, May 22 and June 23 at half-past 10, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sol. Suckling, Birmingham.—Fiat dated May 8.

**WILLIAM FOX** and **JAMES FOX**, Manchester, oil and colour men, sign writers, and copartners, (carrying on business in Manchester, under the style or firm of William Fox & Son), May 22 and June 12 at 11, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Atkins, Manchester; Bower & Son, 46, Chancery-lane, London.—Fiat dated May 7.

#### MEETINGS.

**R. Lewis**, Wootton-under-Edge, Gloucestershire, woollen manufacturer, June 2 at 11, District Court of Bankruptcy, Bristol, pr. d.—**Wm. Humphreys**, Haymarket, Middlesex, hotel keeper, May 25 at 1, Court of Bankruptcy, London, last ex.—**Wm. Nash**, Oldbury, Shropshire, grocer, June 8 at 12, District Court of Bankruptcy, Birmingham, last ex.—**James Rishon**, Huddersfield, Over Darwen, Lancashire, cotton spinner, May 22 at 12, District Court of Bankruptcy, Manchester, last ex.—**Henry Lewis**, Birkenhead, Chester, joiner, May 26 at 11, District Court of Bankruptcy, Liverpool, last ex.—**B. Mercer Burroughs**, Liverpool, ironmonger, May 29 at 11, District Court of Bankruptcy, Liverpool, last ex.—**Martin Cubitt**, High Holborn, Middlesex, builder, June 4 at 1, Court of Bankruptcy, London, aud. ac.—**Abraham H. Chambers** the elder and **Abraham H. Chambers** the younger, New Bond-street and South Molton-street, Middlesex, bankers, May 22

at 1, Court of Bankruptcy, London, aud. ac.; June 2 at 2, aud. ac. and first and fin. div. of A. H. Chambers the younger.—**C. Harrington**, Kidderminster, Worcestershire, plumber, June 13 at 11, District Court of Bankruptcy, Birmingham, aud. ac.; June 16 at 11, div.—**John Raddone**, Alcester, Warwickshire, broker, June 13 at 11, District Court of Bankruptcy, Birmingham, aud. ac.; June 19 at 11, div.—**Spencer Rogers**, Dale-hall, Staffordshire, earthenware manufacturer, June 13 at 11, District Court of Bankruptcy, Birmingham, aud. ac.; June 16 at 11, fin. div.—**Edw. Streeter**, Bristol, builder, June 4 at 11, District Court of Bankruptcy, Bristol, aud. ac.—**R. Garland**, Walham-green, Middlesex, corn chandler, June 3 at 11, Court of Bankruptcy, London, div.—**D. Marks**, Houndsditch, London, pen and quill manufacturer, June 11 at 1, Court of Bankruptcy, London, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

**Joseph Scholefield**, Cheapside, London, cutler, June 3 at 11, Court of Bankruptcy, London.—**Wm. Kearson**, Lamb-street, Spital-square, Middlesex, cheesemonger, June 3 at 11, Court of Bankruptcy, London.—**G. Butler Kerp**, London, ship broker, June 3 at 11, Court of Bankruptcy, London.—**Michael Jones**, Theobald's-road, Middlesex, grocer, June 2 at 11, Court of Bankruptcy, London.—**John Shirl**, Broad-st., Lambeth-butt, Surrey, grocer, June 4 at 11, Court of Bankruptcy, London.—**Felix Herpent**, Sherrard-street, Golden-square, Middlesex, warehouseman, June 4 at half-past 12, Court of Bankruptcy, London.—**Philip Crispin**, Bristol, carpenter, June 5 at half-past 11, District Court of Bankruptcy, Bristol.—**Stephen Vertue**, Liverpool, merchant, June 2 at 11, District Court of Bankruptcy, Liverpool.—**George Williams**, Bristol, watchmaker, June 5 at 11, District Court of Bankruptcy, Bristol.—**Michael T. Knight**, St. Peter and St. Paul, Bath, Somersetshire, upholsterer, June 4 at 1, District Court of Bankruptcy, Bristol.—**Gilbert Brown**, Shifnal, Shropshire, banker, June 6 at 11, District Court of Bankruptcy, Birmingham.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before June 2.*

**J. Bromiley**, Bolton-le-Moors, Lancashire, manufacturer.—**Thos. Clifton**, Barnard Castle, Durham, printer.—**Jonathan Bowman**, Carlisle, Cumberland, woollen draper.—**W. White**, Aylesbury, Buckinghamshire, tailor.—**John Bainton Gillett**, Eccleahill, Bradford, Yorkshire, dyer.—**Jas. Sisley**, Margate, Isle of Thanet, Kent, carpenter.

#### FIAT ANNULLED.

**Wm. Chamberlain**, East Dereham, Norfolk, grocer.

#### PARTNERSHIP DISSOLVED.

**James Smith** and **John Wm. Browne**, Marlborough, Wiltshire, attorneys and solicitors.

#### SCOTCH SEQUESTRATIONS.

**Archibald Couper**, junior, Glasgow, salesman.—**G. Sanderson**, Colinton, baker.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

**W. Andrew Hunter**, Smith-street, Jubilee-street, Stepney, Middlesex, wharfinger, May 21 at 11, Court of Bankruptcy, London.—**Wm. Rose**, Cornwall-road, St. Mary, Lambeth, Surrey, whitesmith, May 21 at 12, Court of Bankruptcy, London.—**Abraham J. Hayward**, Green-st., Bethnal-green, Middlesex, tin plate worker, May 21 at 11, Court of Bankruptcy, London.—**Wm. Ledger**, Sky Kades-hill, Chatham, Kent, commission agent for the sale of horses, May 21 at 11, Court of Bankruptcy, London.—**J. Thos. Withersby**, Greenwich, Kent, beer-shop keeper, May 21 at 11, Court of Bankruptcy, London.—**J. Ward**, Church-place, Paddington-green, Paddington, Middlesex, tailor, May 21 at 12, Court of Bankruptcy, London.—**Jas. Rodwell**, Watford, Hertfordshire, cabinet maker, May 21 at 12, Court of Bankruptcy, London.—**William Tolboys**, St. Pancras-road, St. Pancras, Middlesex, marine store dealer, May 21 at 1, Court of Bankruptcy, London.—**Wm. Davies**, Morpeth-street, Bethnal-green, Middlesex, cooper, May 19 at 12, Court of Bankruptcy, London.—**Richard White**, Drury-lane, St. Giles in the Fields, Middlesex, shoemaker, May 19 at 12, Court of Bankruptcy, London.

—*Abraham Field*, John's-place, Webber-street, Blackfriars-road, Surrey, messenger in her Majesty's Stationery Office, May 28 at 11, Court of Bankruptcy, London.—*Benj. Haines Stevens*, Wimburn Minster, Dorsetshire, coach builder, May 28 at 11, Court of Bankruptcy, London.—*John Oliver*, Redburn, Hertfordshire, hatter, May 19 at half-past 11, Court of Bankruptcy, London.—*James Gibbons*, Providence-place, Walworth-common, Walworth, Surrey, cooper, May 21 at 12, Court of Bankruptcy, London.—*Henry Williams Weston*, Vaughan-terrace, Shoreditch, Middlesex, accountant, May 21 at 1, Court of Bankruptcy, London.—*Henry Henderson*, Ramsey, near Lewes, Sussex, licensed victualler, May 28 at half-past 12, Court of Bankruptcy, London.—*Charles Rowe*, Upper Ebury-street, Pimlico, Middlesex, cabinet maker, May 26 at 11, Court of Bankruptcy, London.—*John Sallows*, Caerleon, Monmouthshire, out of business, May 21 at 11, District Court of Bankruptcy, Bristol.—*Richard Hicks*, Exeter, out of business, May 27 at 11, District Court of Bankruptcy, Exeter.—*Henry Dodds*, Weston, Somersetshire, tailor, May 22 at 11, District Court of Bankruptcy, Bristol.—*Ambrose Lockett*, Market Drayton, Shropshire, licensed hawk, May 22 at 11, District Court of Bankruptcy, Birmingham.—*Jas. Mann*, Bingham, Nottinghamshire, tailor, May 22 at 11, District Court of Bankruptcy, Birmingham.—*John Topham*, Barlboro, Derbyshire, farmer, May 23 at 12, District Court of Bankruptcy, Manchester.—*Reuben Haworth*, Pendleton, Lancashire, retailer of beer, May 22 at 12, District Court of Bankruptcy, Manchester.—*Edward Leech*, Cheetham, Manchester, out of business, May 22 at 12, District Court of Bankruptcy, Manchester.—*John Henson*, Bunny, Nottinghamshire, cow-keeper, May 18 at 12, District Court of Bankruptcy, Birmingham.—*Matthew Cholerton*, Derby, upholsterer, May 22 at half-past 10, District Court of Bankruptcy, Birmingham.—*Thomas Davis*, Monmouth, waterman, May 21 at 11, District Court of Bankruptcy, Bristol.—*Wolf Saber*, Liverpool, jeweller's shopman, May 19 at 11, District Court of Bankruptcy, Liverpool.—*Benjamin Evans*, Bedminster, Somersetshire, out of business, May 29 at 11, District Court of Bankruptcy, Bristol.—*George Jenkins*, Clifton, Bristol, quarryman, May 19 at 12, District Court of Bankruptcy, Bristol.—*Thomas Snow*, Exeter, dairyman, May 21 at 1, District Court of Bankruptcy, Exeter.—*William Hobbs*, Falmouth, Cornwall, gardener, May 21 at 1, District Court of Bankruptcy, Exeter.—*Adam Frost*, Handsworth, Staffordshire, jeweller, May 21 at 12, District Court of Bankruptcy, Birmingham.

*Saturday, May 9.*

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*Bryan Dunn*, Liverpool, tide waiter, No. 47,942 C.; *Saml. Sturgis*, gentleman, new assignee, in place of Andrew Houston and Edward M'Culloch, removed.—*John Arnold*, Fovant, Wiltshire, market gardener, No. 67,161 C.; *Robert Bracher Larkam*, assignee.—*David Burnett*, Hartlepool, Durham, publican, No. 67,220 C.; *Bartholomew Wetherell*, assignee.—*Ann Aldwin*, Phillack, Cornwall, widow, farmer, No. 67,324 C.; *Samuel Higgs* the younger, assignee.—*James Viney*, Barton, near Silsoe, Bedfordshire, gentleman, No. 67,198 C.; *W. M. Kitton*, assignee.

*Saturday, May 9.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Charles Wm. Dexter*, Duke-street, West Smithfield, London, glove maker: in the Debtors Prison for London and Middlesex.—*Thomas Smith*, Mary-street, Hampstead-road, Middlesex, auctioneer: in the Debtors Prison for London and Middlesex.—*James W. Philpott*, Cutler-street, Houndsditch, London, hat manufacturer: in the Debtors Prison for London and Middlesex.—*Christiana Walters*, Miana-street, Pimlico, out of business: in the Queen's Prison.—*John Spademan*, William-st., Hampstead-road, Middlesex, piano-forte maker: in the Debtors Prison for London and Middlesex.—*Thomas Blake*, Walcot-square, Lambeth, Surrey, meat salesman: in the Debtors Prison for London and Middlesex.—*R. Wilby*, Moor-street, Soho, Middlesex, licensed victualler: in the Debtors Prison for London and Middlesex.—*John Hicks*, Wormwood-street, Bishopsgate, London, chimney sweeper: in the Debtors Prison for London and Middlesex.—*Robert Thudate*, Durham, grocer: in the Gaol of Durham.—*James*

*Nield*, Bootle, near Liverpool, hat manufacturer: in the Gaol of Lancaster.—*Mish. Alfred Hughes*, Lincoln, coach builder: in the Gaol of Lincoln.—*Charles Verrall*, Lewes, Sussex, out of business: in the Gaol of Lewes.—*John Moore*, Manchester, seedsman: in the Gaol of Lancaster.—*Samuel Bate*, Birmingham, beer-house keeper: in the Gaol of Warwick.—*William Sutton*, Liverpool, out of business: in the Gaol of Lancaster.—*George James*, Southampton, tailor: in the Gaol of Southampton.—*Joseph Thompson*, Liverpool, out of business: in the Gaol of Sheffield.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Tuesday, May 26, at 9.*

*Jas. D. Croutel*, Dorset-street, Clapham-road, Surrey, in no trade.—*Robert Lock*, Booth-street, Spitalfields-square, Middlesex, timber dealer.—*John S. Skotter*, Oxford-market, Oxford-street, Middlesex, chessmonger.

**MEETING.**

*Thomas Edwards*, Gloucester, ironmonger, June 2 at 12, Lovegrove's, Gloucester, sp. affairs.

**FRIDAY, MAY 15.**

**BANKRUPTCY.**

**WILLIAM BUCKNELL LEMON**, Croydon, Surrey, ironmonger, May 29 and June 26 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Lepard & Co., Cloak-lane.—Fiat dated May 14.

**LUKE WHITBY**, Poultry, London, builder, May 22 at 1, and June 26 at 11, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Burnell, 58, Fenchurch-street.—Fiat dated May 13.

**ROBERT SMITH**, Sussex-street, Tottenham-court-road, Middlesex, cabinet maker, May 27 at 11, and June 26 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Davies & Son, Warwick-st., Regent-st.—Fiat dated May 11.

**THOMAS SHOWELL**, Ludgate-street, Ludgate-hill, London, tailor, May 28 at 11, and June 26 at 1, Court of Bankruptcy, London: Off. Ass. Belcher; Sol. Lindo, King's Arms-yard, Moorgate-street.—Fiat dated May 12.

**WILLIAM ERICK**, Hackney-road, Shoreditch, Middlesex, baker, May 25 and June 27 at 12, Court of Bankruptcy, London: Off. Ass. Follett; Sols. Messrs. Hillearys, Fenchurch-street.—Fiat dated May 4.

**GEORGE SEX**, Stonecutter-street, Farringdon-street, London, job master and livery-stable keeper, May 25 at half-past 1, and June 29 at 11, Court of Bankruptcy, London: Off. Ass. Turquand; Sols. Collins & Co., Crescent-place, Blackfriars.—Fiat dated May 13.

**WILLIAM ABURROW**, Idol-lane, London, druggist (carrying on business under the firm of Taylor & Aburrow, as wholesale druggists and drysalers), May 26 and June 19 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Gregory & Co., 1, Bedford-row.—Fiat dated May 11.

**RICHARD MILLS** and **GEORGE PUCKLE**, Southwark, and Corn Exchange, Mark-lane, London, hop and corn factors, (trading under the firm of Mills, Packels, & Co.), June 2 at 2, and June 26 at 12, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Parnter & Fisher, Fenchurch-street.—Fiat dated May 13.

**CHARLES MURRY WILLIAMS**, Bristol, ironmonger, dealer and chapman, (carrying on business in the name of Charles Williams), June 4 at 12, and June 26 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sols. W. and C. Bevan, Bristol; White & Co., Bedford-row, London.—Fiat dated May 8.

**PHILIP VAUGHAN**, Brecon, Breconshire, scrivener, dealer and chapman, May 28 at 11, and June 25 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sols. Severy & Co., Bristol; Clark & Co., Lincoln's-inn-fields.—Fiat dated May 4.

**SAMUEL HILL**, Bolton-le-Moors, Lancashire, boiler maker, dealer and chapman, (as a trader indebted jointly and together with one Henry Owen, Bolton-le-Moors), May 27 and June 22 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Blair, Manchester; Johnson & Co., Temple, London.—Fiat dated May 7.

**JOHN BRIDGWOOD**, Forebridge, Castle Church, Staffordshire, butcher, May 25 and June 22 at 1, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Bennett & Bowen, Stafford; Smith, Gray's-inn, London.—Fiat dated May 11.

## MEETINGS.

*George Langford*, Southampton, grocer, May 28 at 10, Court of Bankruptcy, London, last ex.—*Miles Griffith* and *Philip Pearson*, New Broad-street, Middlesex, tailors, May 29 at 1, Court of Bankruptcy, London, last ex.—*J. Wright*, Brinsall-hall, within Wheelton, Lancashire, calico printer, June 8 at 12, District Court of Bankruptcy, Manchester, last ex.—*James Young*, Salcott, Essex, ship owner, June 5 at half-past 11, Court of Bankruptcy, London, and. ac.—*Robert Baker*, Frost-lane, near Hythe, Fawley, Hampshire, stonemason, June 5 at 1, Court of Bankruptcy, London, and. ac.—*John Thomas Passcoe*, High-street, Mile-end New-town, and Henega-street, Spitalfields, Middlesex, metal refiner, June 5 at 11, Court of Bankruptcy, London, and. ac.—*J. R. Biles*, Houndditch, London, brass founder, June 8 at 1, Court of Bankruptcy, London, and. ac.—*James Knox*, Black Horse-yard, Bond-street, Middlesex, carpenter, June 9 at half-past 11, Court of Bankruptcy, London, and. ac.—*S. H. Hamblen*, Halesworth, Suffolk, grocer, June 9 at 12, Court of Bankruptcy, London, and. ac.—*Jos. Smart*, King-street, Tower-hill, Middlesex, watch maker, June 9 at 1, Court of Bankruptcy, London, and. ac.—*George Prentice*, Tollesbury, Essex, fishmonger, June 10 at 11, Court of Bankruptcy, London.—*Thomas Robinson*, Swansea, Glamorganshire, grocer, June 11 at 11, District Court of Bankruptcy, Bristol, and. ac.; June 12 at 11, div.—*Samuel Brown*, Denton, Lancashire, hat manufacturer, June 11 at 12, District Court of Bankruptcy, Manchester, and. ac.; June 18 at 12, div.—*Thomas Parrell*, Manchester, laceman, June 8 at 12, District Court of Bankruptcy, Manchester, and. ac.; June 9 at 12, div.—*John O'Brien*, Manchester, veterinary surgeon, June 9 at 12, District Court of Bankruptcy, Manchester, and. ac.; June 10 at 12, div.—*Wm. Hagood*, Manchester, merchant, June 10 at 12, District Court of Bankruptcy, Manchester, and. ac.—*Benjamin Seale* and *Theo. Booth*, Sheffield, and Tinsley-park, Rotherham, Yorkshire, iron masters, June 5 at 11, Cutlers'-hall, Sheffield, and. ac.—*John Curtis*, Birmingham, chandler, June 6 at 12, District Court of Bankruptcy, Birmingham, and. ac.; June 8 at 12, fin. div.—*G. Lest*, Birmingham, general merchant, June 6 at 12, District Court of Bankruptcy, Birmingham, and. ac.; June 8 at 12, fin. div.—*J. S. Hughes*, Cambridge, cordwainer, June 5 at 12, Court of Bankruptcy, London, div.—*James Key*, Great Prescott-street, Goodman's-field, Middlesex, oil and colour man, June 5 at 12, Court of Bankruptcy, London, fin. div.—*John Wm. Frost*, Back-lane, England-green, Middlesex, coffee dealer, June 5 at half-past 12, Court of Bankruptcy, London, div.—*Lionel E. Perkins*, Bicester, Oxfordshire, chymist, June 5 at half-past 1, Court of Bankruptcy, London, fin. div.—*John Dalton*, Wandsworth, Surrey, grocer, June 8 at 11, Court of Bankruptcy, London, div.—*Samuel Purcell*, Strand, Middlesex, ironmonger, June 12 at 11, Court of Bankruptcy, London, div.—*P. Worters Carter* and *Jas. Jackson*, Brainer-street, Golden-square, Middlesex, woollen drapers, June 12 at 12, Court of Bankruptcy, London, fin. div. of sep. est. of *Patrik Worters Carter*.—*Michael Emanuel* and *Henry Emanuel*, Hanover-square, Middlesex, goldsmiths, June 10 at 12, Court of Bankruptcy, London, div.—*Samuel Littler*, Liverpool, draper, June 9 at 11, District Court of Bankruptcy, Liverpool, first div.—*Theo. Ashworth* and *Mich. Septimus Keyworth*, Manchester, common brewers, June 10 at 12, District Court of Bankruptcy, Manchester, div.

## CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on the Day of Meeting.*

*Bertholomew Vanderplank*, Love-lane, London, woollen warehouseman, June 5 at half-past 1, Court of Bankruptcy, London.—*H. John Todd* and *Edward Todd*, Bow Church-yard, London, and Liverpool, warehousemen, June 5 at 11, Court of Bankruptcy, London.—*Sam. Purcell*, Strand, Middlesex, ironmonger, June 12 at 11, Court of Bankruptcy, London.—*R. Baker*, Frost-lane, near Hythe, Fawley, Hants, stone mason, June 5 at 1, Court of Bankruptcy, London.—*Robert Kent*, Elstree, Aldenham, Hertfordshire, licensed victualler, June 12 at 1, Court of Bankruptcy, London.—*James Robt. Ellis*, Houndditch, London, brass founder, June 8 at 1, Court of Bankruptcy, London.—*Stephen Henry Hamblen*, Halesworth, Suffolk, grocer, June 9 at 12, Court of Bankruptcy, London.—*John Linait*, Argyll-place, Regent-street, Middlesex, goldsmith, June 9 at 1, Court of Bankruptcy, London.—*George Prentice*, Tollesbury, Essex, fishmonger,

June 10 at 11, Court of Bankruptcy, London.—*Jos. Johns*, Grosvenor-street West, Fimble, Middlesex, confectioner, June 9 at 12, Court of Bankruptcy, London.—*John Poulston*, Birkenhead, Cheshire, builder, June 9 at half-past 10, District Court of Bankruptcy, Liverpool.—*John Brook*, Chester, innkeeper, June 9 at 12, District Court of Bankruptcy, Liverpool.—*Wm. Bingley Lupton*, Leeds, Yorkshire, flax spinner, June 9 at 11, District Court of Bankruptcy, Leeds.—*Samuel Hutchinson*, Bradford, Yorkshire, stock broker, June 9 at 11, District Court of Bankruptcy, Leeds.—*John Radbone*, June 16 at 11, District Court of Bankruptcy, Birmingham.—*John Gibson*, Manchester, veterinary surgeon, June 9 at 12, District Court of Bankruptcy, Manchester.—*W. Beond* the younger, Manchester, stretcher, June 10 at 12, District Court of Bankruptcy, Manchester.—*James S. Gregson*, Manchester, grocer, June 11 at 12, District Court of Bankruptcy, Manchester.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before June 5.*

*J. Plumer*, Regent-place, Globe-road, Mile-end-road, Middlesex, undertaker.—*Theo. Wilders*, Sloane-street, Middlesex, common brewer.—*Isaac Roberts*, Mold, Flint, grocer.—*J. Mc Gibbon*, Liverpool, boot maker.—*Jos. Walton*, Liverpool, coal merchant.—*Samuel Stacker* the elder, Seckford-street, Clerkenwell, Middlesex, hydraulic engineer.—*Jos. Phillips*, *Wm. Hague*, and *Sam. Hague*, Manchester, cotton spinners.

## PARTNERSHIP DISSOLVED.

*Thomas Mitten* and *Wm. Nealer*, Southampton-buildings, Chancery-lane, London, attornies and solicitors.

## SCOTCH SEQUESTRATION.

*James Gordon*, junior, Aberdeen, ship broker.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*James Popham*, Coggeshall, Essex, tambour worker, May 28 at 11, Court of Bankruptcy, London.—*Theo. Hide*, Leighton Buzzard, Bedfordshire, auctioneer, May 28 at 11, Court of Bankruptcy, London.—*George Dickinson*, Drummond-street, Euston-square, Middlesex, clerk in the General Post Office, May 28 at 11, Court of Bankruptcy, London.—*R. Johnson*, Old-street, St. Luke, Middlesex, commission agent, May 28 at 11, Court of Bankruptcy, London.—*John Ellis*, Castle-st., Leicester-square, Middlesex, foreman to a dealer in hams, May 28 at 11, Court of Bankruptcy, London.—*John Campbell*, Arthur-street, King's-road, Chelsea, Middlesex, carpenter, May 28 at 11, Court of Bankruptcy, London.—*J. Chatfield*, Portsmouth, master mariner, June 2 at 11, Court of Bankruptcy, London.—*G. Furniss*, Bell Isle, Maiden-lane, Islington, Middlesex, oil man, June 2 at 11, Court of Bankruptcy, London.—*Rev. H. T. Day*, Mendlesham, near Thwaite, Suffolk, Vicar of Mendlesham, June 9 at 1, Court of Bankruptcy, London.—*J. Coghill*, Long Crendon, Buckinghamshire, surveyor, May 16 at 12, Court of Bankruptcy, London.—*Wm. Cooper*, Nottingham, commission agent, May 22 at half-past 10, District Court of Bankruptcy, Birmingham.—*Henry Watson*, Lister-gate, St. Nicholas, Nottingham, hackney coach proprietor, May 30 at 12, District Court of Bankruptcy, Birmingham.—*Joseph Pagett*, Cookley, Worcestershire, out of business, May 22 at 11, District Court of Bankruptcy, Birmingham.—*John Willmson*, Bowling, Bradford, Yorkshire, licensed victualler, May 28 at 11, District Court of Bankruptcy, Leeds.—*Jos. Waddington*, North Brierly, near Bradford, Yorkshire, beer seller, May 28 at 11, District Court of Bankruptcy, Leeds.—*Hannah Starkey*, Huddersfield, Yorkshire, lodging-house keeper, May 28 at 11, District Court of Bankruptcy, Leeds.—*Charles Mountain*, Sandal, Yorkshire, publican, May 28 at 11, District Court of Bankruptcy, Leeds.—*Jas. Collier*, Walcot, Bath, Somersetshire, farrier, May 26 at 12, District Court of Bankruptcy, Bristol.—*Jas. Saunders*, Westbury Leigh, Westbury, Wiltshire, grocer, May 29 at 1, District Court of Bankruptcy, Bristol.—*Ellis Williams*, St. George, Gloucestershire, out of business, May 28 at 11, District Court of Bankruptcy, Bristol.—*Steph. Jones*, Tynnyhyd, Cerrigdruidion, Denbighshire, grocer, May 20 at 1, District Court of Bankruptcy, Liverpool.

*Wednesday, May 13.*

*Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Theo. Geo. Martin*, Champton-place, Cold Harbour-lane,

Camberwell, Surrey, out of business: in the Queen's Prison.—*Jesse Howard*, White Horse-st., Cornwall-road, Lambeth, Surrey, scale board cutter: in the Gaol of Surrey.—*William Wimpy* the elder, Tyssen-st., Church-st., Bethnal-green, Middlesex, chandler's shopkeeper: in the Queen's Prison.—*Wm. Geo. Smith*, Kirby-street, East India-road, Middlesex, dealer in ship stores: in the Debtors Prison for London and Middlesex.—*Jos. Haynes*, Lonsdale-sq., Islington, Middlesex, and Aldermanbury, London, woollen warehouseman: in the Debtors Prison for London and Middlesex.—*James Reeve*, Russell-court, Drury-lane, and Holywell-st., Strand, Middlesex, news agent: in the Debtors Prison for London and Middlesex.—*Wm. Burton*, Bow-lane, Chespeide, London, cheese-monger: in the Debtors Prison for London and Middlesex.—*John H. Nairne*, Curtain-road, Shoreditch, Middlesex, brass founder: in the Debtors Prison for London and Middlesex.—*George Jas. Fenton*, York, attorney's clerk: in York Castle.—*Rob. Peniston*, Leeds, Yorkshire, out of business: in York Castle.—*George Burrell*, Leeds, Yorkshire, drysalter: in York Castle.—*Joseph Scott*, Leeds, Yorkshire, shopman to a clock maker: in York Castle.—*Thos. Mirams*, Liverpool, shopman: in Lancaster Castle.—*John Taylor*, Leeds, Yorkshire, fruiterer: in York Castle.—*Wm. C. Toyne*, Nottingham, miller: in the Gaol of Nottingham.—*Morgan James*, Liverpool, out of business: in Lancaster Castle.—*Rich. W. Hartley*, Sheffield, Yorkshire, out of business: in York Castle.—*Joseph Sugden*, North Bierly, near Bradford, Yorkshire, farmer: in York Castle.

#### INSOLVENT DEBTORS' DIVIDENDS.

*Thos. Lister*, Thorne, Yorkshire, auctioneer: 2s. 9½d. in the pound.—*Geo. Fred. St. Quintin*, Great George-st., Bermondsey, Surrey, clerk in her Majesty's Customs: 6s. 4d. in the pound, (making, with former dividends, 20s. in the pound).—*Thos. Pratt*, Sherborne, Dorsetshire, innkeeper: 1s. 8½d. in the pound.—*Wm. Kemp*, Waltham, near Great Grimsby, Lincolnshire, tailor: 9½d. in the pound.—*Wm. Buswell*, Barington, Cambridgehire, grocer: 11½d. in the pound.—*Wm. Carlyon*, Liverpool, in no business: 2s. 1½d. in the pound.—*Thomas Tribe*, Yantlett-creek, Allhallows, near Rochester, Kent, Lieutenant in the Coast Guard service: 1s. 9½d. in the pound.—*John Martin*, Boswith, Essex, farmer: 2s. 7½d. in the pound.—*Isaac Slipper*, Romford, Essex, coach builder: 2s. 2d. in the pound.—*Wm. Clark*, High-st., Bloomsbury, Middlesex, lead merchant: 8½d. in the pound.—*Jane Speake*, widow, Oswestry, Shropshire, labourer: 2s. 8½d. in the pound.—*Phil. W. Bott*, New-st., Southwark-bridge-road, Surrey, chocolate manufacturer: 9½d. in the pound.—*Mary Ann Hall*, widow, Lincoln, tailor: 9½d. in the pound.—*John Hall*, Lincoln, tailor: 11½d. in the pound.

Apply at the Provisional Assignee's Office, Portugal-street, Lincoln's-inn-fields, between the hours of 10 and 1.

Thomas Flower Ellis, Esq., and Thomas Bros, Esq., Barristers at Law, have been appointed her Majesty's Commissioners for inquiring into the Criminal Laws now in force in the Channel Islands; and Charles Clark, Esq., Barrister at Law, has been appointed Secretary to the said commission.

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# The Jurist

No. 489—VOL. X.

MAY 23, 1846.

PRICE 1s.

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LONDON, MAY 23, 1846.

We regret the rejection of the Charitable Trusts Bill, which took place in the House of Lords last Monday, not on our own account, as we are neither trustees nor beneficiaries of any public charity, nor a retired Calcutta judge, nor a Vice-Chancellor, nor a Serjeant-at-law, nor even a Barrister of twelve years' standing. But we regret its rejection, because it leaves immense masses of property, that, in our humble opinion, ought to be protected and managed, totally without protection, and managed tant bien que mal.

The objections made to the bill by its noble and learned opponents, were of various characters. Lord Cottenham's principal objections (though he had many of detail) appears to have been to the creation of an expensive commission, while, according to him, the Court of Chancery is in a state of such superabundant strength, as to more than suffice for the work intended to be cast upon the Charity Commissioners. His Lordship meets the objection, that Chancery cannot be resorted to on account of the expensive character of its proceedings, by suggesting, that, for the cases intended to be included within the jurisdiction of the commissioners, no fees shall be taken in Chancery; but, under what arrangements of the machinery of Chancery he would have small charities administered, he does not explain.

Another objection is made by another noble and learned Lord, which we are very glad to see made, because it calls the attention of the public to a grievance having a far more extensive effect, than that of the non-existence of any practically controlling jurisdiction over the smaller charities. The Lord Chancellor, said Lord Campbell, "had confined himself almost entirely to that part of the bill which referred to small charities; and here he (Lord Campbell) allowed that some measure of this

sort was necessary. Things ought not to remain as they were. It was a reproach to the law of this country. But it was not in the appointment of a commission of this sort that a remedy was to be found; it was in the reform of one of the regular tribunals of the country. It was allowed on all hands that his noble and learned friend (Lord Cottenham) had administered equity to the great satisfaction of everybody, and yet he had declared that the Court of Chancery was the best tribunal to which application could be made for the correction of abuses in charities. No doubt, it was an admirable tribunal; there was a careful investigation, a patient hearing, and justice was administered. The only objection was, the expense of litigation. The obvious remedy, then, was to diminish that expense. *But charities were only specimens of what might be said of the Court of Chancery with regard to any small sums of money recoverable in equity. If a person had a legacy of 50l., to recover it by bill in equity would lead to a certain loss of a larger sum.* The proper remedy, then, would be, to allow justice to be cheaply administered." Lord Campbell, therefore, objects to the Charitable Trusts Bill, not because the Court of Chancery can do the required work without alteration, but because he thinks the reform ought to proceed in the direction of reforming the machinery of Chancery itself, instead of supplying its admitted defect by the substitution of an assistant piece of machinery.

Now, if the late Lord Chancellor of Ireland means say, that an entire revision of the system and machinery of Chancery, for all purposes, should be effected, then, firstly, we should say, that we humbly dissent from his Lordship's view; and, secondly, we can wish him no pleasanter task for a vacation amusement, than to draw a general Chancery Reform Bill. But, if his Lordship merely means, as we conceive he does, that not only for administering charitable trusts, but for

dealing according to the principles of equity, with all trust property of small amount, much public benefit might result from a simplification of Chancery procedure, then we perfectly agree with the noble and learned Lord's conclusion, and cannot too strongly express our desire,—a desire which we are satisfied is in unison with that of thousands of *cestuis que trustent* and a large portion of the Profession,—that his Lordship, or any other learned Lord possessing similar zeal, similar good intentions, and as indomitable a perseverance, would undertake to prepare a bill for adapting such machinery as the Court of Chancery already possesses, for applying the jurisdiction of equity to adjudicate in *all matters of trust property of small amount*.

Let us take an imaginable case of the inapplicability of the Court of Chancery, and the non-existence of any other tribunal, and consequently of the denial of justice, in matters of private trust property. Suppose a testator to bequeath a small personal property, partly consisting of money in the funds and partly of an unfinished literary work, among several children, with not very clear directions to one of them, in whom he has confidence, to complete his work, and some corresponding advantages to that one. Suppose some of the children daughters, and married: the share of one of them bequeathed to her for life, in terms which leave it doubtful whether it is to her separate use or not. As to the other married daughters, let their shares be clearly not to their separate use; and, as to all, suppose remainders to children, some of whom are infants. The testator directs a sale of his literary production in certain events, and, in certain others, a division of its profits, and appoints executors and trustees. The husband of one of the daughters whose shares are not given to their separate use becomes insolvent, and then the married daughters, whose shares are bequeathed to their separate use desire to purchase up the shares of the others. And, if they do not, no one will find it worth while to complete the work and realise its value; and, *quæ assets*, it will be lost. Now, suppose it, in the first place, not to be clear that the events in which the power of sale arises have taken place; it is sufficiently manifest that a state of confusion will exist, in which, to determine how a sale is to be carried into effect, who are sufficient conveying parties, and the like, will offer questions of so puzzling a character, that the trustees could never be advised to act, nor the purchaser to purchase, unless the first are prepared to run the risk of being called upon to refund at some future period the value of the whole, and the second to pay their money and get no title. And suppose, in the second place, the value of the whole matter in question to be 150*l.* or 200*l.*

The case that we are putting is not a wholly imaginary one, and is but a specimen of thousands more or less complex that occur yearly, in which property becomes valueless to families, to whom, small though it may be in amount, it is much by relation to their circumstances. It is needless to say that a suit in Chancery to obtain the direction of the court in such a case, would not merely be a foolish thing; it would be an impossible thing; for the fund would not be a sufficient security for the costs, and a prudent solicitor would not even undertake such a suit.

Now, what is the reason, in a case of this sort, of the disproportionate expense? The reason is this. There must be a bill framed in the usual way, setting forth all matters necessary to shew, upon the face of it, the title of the plaintiff and the ground of the conflicting claims. To this all the persons interested must be parties, as much as if the property at stake was many thousands. All the defendants must put in answers fully answering the bill; all must appear by separate counsel at a preliminary hearing, and all the counsel must be furnished with full briefs of the pleadings. There must be a decree for inquiries, if there are, as there always are in poor cases, any questions as to classes of claimants. There must be an inquiry before the Master, conducted in the usual manner; and, lastly, there must be a second hearing, with a repetition of all the array of counsel for all the different parties, to argue the claims of such parties.

Now, all that is really wanted in such a case is, firstly, to ascertain that all the persons who may be interested are before the court; and, secondly, to have the claims of all those persons properly presented to the court; and this might be done by a very simple and inexpensive process.

The first step might be the presentation of a very short petition, stating merely the fact that A. had died and made his will; accompanied by a copy of the will, and any other documents on the effect of which a decision was desired, and by a schedule of the persons or classes of persons claiming; it would state that the opinion of the court was desired on the rights of the parties, or that a decree for sale was desired, or it would shew whatever might be the relief desired. On this petition (which might be drawn by counsel or not as the parties should think fit, but which should not require to be opened by counsel in court) an order of course might be obtained, referring it to the Master to inquire into the matter of the petition, and to order accordingly. The Master should then have power to make the necessary inquiries, to ascertain that the proper parties were before the court; and having them all before him, to group them in classes, and to direct a hearing before him, at which each class should be represented. At that hearing the parties should be allowed to attend by counsel, care being taken, by proper rules as to costs, to limit the expense incurred in retaining counsel. The decision of the Master should be final, unless he thought fit to allow an appeal, which should not, however, go beyond one Judge of the court; and the Master should himself settle a special case for appeal, so as to confine it to the points absolutely necessary to be discussed. The party desiring the appeal should make a deposit, which, in the event of his failing, should go towards paying the costs of the other parties. If he succeeded, he should have back his deposit, and the fund should pay the costs. It would, of course, be essential to the working of such a scheme, that the Master's Office should be an open court.

We have no doubt that the ideas above thrown out will, in many of their parts, appear crude, and in many they will be thought hostile to the interests of the Profession. On the first point, we will merely observe, that they are obviously not offered as a complete system, but merely as the germs of a system. On the second, we would observe, first, that, even if the interests of the Profession were to be injured by any reform that should open the doors of equity to the poor, that would be no obstacle to its introduction; and, secondly, that a simplification of procedure which should render the jurisdiction of Chancery practically applicable for adjudicating between claimants where the amount of the fund varies from 100*l.* to 300*l.*, would be much more likely to double, than to diminish, the emoluments of Chancery practitioners.

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(Continued from p. 188).

### HUSBAND AND WIFE.

**Mortgage of the Wife's Chattels Real.**—Where husband and wife assign chattels real, by way of mortgage, to some shares in which the husband is entitled in right of his wife, while to others the wife is entitled for her separate use, and the mortgage-deed contains a proviso for redemption and re-assignment to the husband and wife, or either of them, their, his, or her executors, administrators, and assigns, on payment of the mortgage-money by the husband and wife, or either of them, their, his, or her executors or administrators, or any person or persons on their, his, or her behalf; with a power of sale, and a declaration that the surplus money, if any, arising from the sale, shall go to the husband or wife, their executors, administrators, or assigns, according to their respective interests; and the husband dies in the wife's lifetime, without having paid the mortgage-money: the mortgage does not amount to a complete reduction into possession, but the wife, according to the plain intention of the deeds, is entitled by survivorship to the equity of redemption. *Clark v. Burgh*, 2 Coll. 221.

**Deed of Arrangement, securing to the Wife the Means of keeping up an Establishment of her own, in consideration of the Abandonment of Proceedings against the Husband.**—If a deed of arrangement is executed by husband and wife, by which, in consideration of the discontinuance of a suit instituted by the wife for a divorce for cruelty, and of the waiver by the wife of other intended proceedings for obtaining a proper provision for herself and her children, and for the prevention of disputes, a leasehold house is assigned to trustees, for the accommodation of the wife and her children, as their residence, and by which a large annual sum of money is to be raised out of the real estates of the husband, and paid to the wife for her sole and absolute use, independently of her husband, who has other estates of greater value, and by which it is declared that the wife shall, out of such sum, keep up an establishment in the house so assigned, for the benefit of herself and her children, in such a manner as she shall think fit, and pay certain other expenses of herself and her children; and that, if she shall not require the whole of that sum, the surplus shall be paid to the husband; and that the husband shall be at liberty to partake of the benefit of the establishment so long as he conforms to the spirit and intention of the deed; such deed is not illegal or ineffectual. It is not contrary to the policy of the law; for it does not even amount to a deed of separation; and though it considerably alters the original relation between husband and wife, yet that is the case with even the ordinary provisions for the separate use of the wife. Nor is it void for want of a consideration, for discontinuance and waiver of proceedings constitute a sufficient consideration. *Jodrell v. Jodrell*, 15 Law J. 17—M. R.

### IMPLICATION.

**Implied Estate during Widowhood in Real and Personal Property.**—Where a testator devises real estate to his sons, but wills that they be not put in possession so long as his wife shall remain his widow; and (in varied but substantially the same terms) wills that different portions of his personal estate be divided between his children on her death or second marriage; his widow will take an estate by implication in the real

and personal property for her own benefit during widowhood, although the will contains a direction, that, in a particular event, (such as that of her giving up a farm which the testator occupied), the devisees of his real estate shall pay her a certain annual sum out of it during widowhood. *Cockshott v. Cockshott*, 10 Jur. 41—V. C. B.

See "Legacies."

### INJUNCTION.

**Payment of East India Bonds.**—The Court of Chancery has power to restrain the East India Company from paying over the principal and interest secured upon East India bonds to a person who has fraudulently got possession of the same. *Glaes v. Marshall*, 15 Law J. 25—V. C. E.

**Injunction Bill by a Lessee of a Bed of Coals against another Lessee thereof.**—Where a party claims to be lessee of a bed of coal, but another party also claims to be lessee thereof under a prior lease granted by an ancestor of the lessor of the first-mentioned party, and is working such bed of coal accordingly, the Court of Chancery will not interfere in behalf of the former to restrain the latter from working the coal, especially where the bill for an injunction is not filed till a year after the latter commenced working. *Haigh v. Jaggard*, 2 Coll. 231.

### INSURANCE.

**Insurance on the Life of a married Woman by an Assignee of her reversionary Interest.**—Where husband and wife assign the reversionary interest of the wife in personal property to secure a debt of the husband, and the creditor afterwards insures the life of the wife in a sum less than the debt, without the knowledge of the debtor or his wife, and receives that sum on her death in her husband's lifetime, the husband is not entitled to have that amount set off against the mortgage debt; for, although the creditor had an insurable interest in the life of the wife, so that the policy was not void under the stat. 14 Geo. 3, c. 48, for want of such an interest, yet his right was only to effect a policy which should guarantee him against the loss he might have sustained if the wife had survived the husband; and, as the risk ceased when she died in the lifetime of her husband, the guarantee then became satisfied. *Henson v. Blackwell*, 4 Hare, 434.

LEASE—See "Power."

### LEASEHOLDS FOR LIVES.

**Expenses of renewing a Life which dropped during the possession of a prior Tenant for Life.**—Where lands holden under a lease for four lives, renewable upon payment of a fine, are devised upon trust for a person for life, such person filling up the lives as often as any shall fall in; and, subject to such life interest, upon trust to let and set the same; and, after paying the rents and land-tax and keeping full the lives, to pay the residue to another person for life; and, after his decease, to sell the estate, and divide the proceeds among certain other persons; and the first tenant for life dies insolvent, without having filled up a life which had dropped, and then another life drops, two new lives must be substituted; but the second tenant for life is only bound to pay the expenses of putting in a new life in the room of the life dropped during his possession of the estate; and the expenses of putting in a new life in the room of the life which dropped during the possession of the first tenant for life must be borne by the corpus of the estate, with interest thereon, at the rate of 5l. per cent., from the death of the nominee whose life first dropped to the death of the other nominee. *Wadley v. Wadley*, 2 Coll. 11.

See "Vendor and Purchaser."

## LEGACY.

*Whether the word "Legacies" includes Annuities.*—In its usual acceptance, the word "legacy" means something distinct and different from an "annuity." It may, indeed, be used in a generic sense, to denote an annuity; but it will not be construed to have that sense where there is anything which indicates that it was not used in that sense. And hence, where a testator directs that all legacies which he shall give by his will or any codicil, shall, unless he shall expressly direct the contrary, be paid immediately after his decease out of his personal estate, but, if that shall be insufficient, he charges his real estate with the deficiency; and then he gives certain annuities, which he charges on his real estate; and, by a codicil, he directs certain other annuities to be paid out of his personal, or from the income of his estates: the annuities are not included in the word "legacies;" for, by directing the legacies to be paid immediately after his decease, he shews, that, in using the word "legacies," he did not mean to include annuities. And as, in such case, the word "legacies" does not include annuities, and as the testator expressly charges the former annuities on his real estate, but directs the latter to be paid out of his personal estate, or from the income of his estates, the latter are not deemed to be charged on his real estate. *Cornfield v. Wyndham*, 2 Coll. 184.

*Specific Legacies—Misdescription of Stock.*—In order that legacies of stock should be deemed specific, it is not necessary that the stock should be correctly described, either in point of amount or as regards the names in which it is described to be standing, where there is no ground for reasonable doubt as to the subject of such legacies. And a legacy may be specific, though it is only of a portion of one aggregate amount of stock, and is given under a general designation of a certain amount of a certain kind of stock, without reference to the particular aggregate amount of such stock belonging to the testator. As, where a testator having 2630*l.* 3*s.* 3*d.* per Cents, without referring to that amount of stock, gives 1000*l.* 3*d.* per Cents to one person, and 1800*l.* 3*d.* per Cents to another, these may be specific legacies. *Warren v. Postlethwaite*, 2 Coll. 116.

*Whether double Legacies are bequeathed.*—Where a testator, after bequeathing a sum of money to each of the grandchildren, by name, of one of his brothers, directs his executors to pay a like sum (naming it) to each child that may be born to either of the children of either of his brothers lawfully begotten, to be paid to each of them on his or her attaining the age of twenty-one years; the grandchildren, who are mentioned by name as legatees, are not entitled to double legacies. *Early v. Benbow*, 10 Jur. 169—V. C. B.

*Uncertainty.*—Where a legacy was bequeathed to a person, and, in the event of her death without children, to her heirs and nearest relations of a certain relative of hers (De W.), of the De W. blood, the gift over was held void for uncertainty. *Yearwood v. Yearwood*, 10 Jur. 161—M. R.

*Interest on a Legacy—Maintenance.*—Where a testator bequeaths a legacy to his eldest child, to be paid on his attaining the age of twenty-one years, and the residue of his estate to his younger children, and then provides for the maintenance of all the children generally, without specifying the fund out of which they are to be maintained, and without indicating that the legacy given to the eldest son is to be separated from the rest of the personal estate until the time of payment arrives; the eldest son is not entitled to interest on his legacy, but, until that period, the whole personal estate remains as one fund, out of which all the children are to be maintained, without reference to their respective fortunes. *Donovan v. Needham*, 10 Jur. 150—M. R.

*Survivorship of a Share.*—Where a testator bequeaths

to several persons one aggregate sum of money, and then directs that the interest shall be paid to them in equal shares during their lives, and that the principal shall be placed in the funds, in trust for them or the survivors or survivor of them; and that nothing but their receipts shall be a discharge; and that the principal, after their deaths, shall go in equal parts to the surviving children, as they arrive at the age of twenty-one; and one of these persons dies without issue; the share of that one does not go to the residuary legatee, but the survivors take the whole, for their lives, as tenants in common; the true meaning of the gift over being, that, after the death of all the legatees, the principal is to go to the aggregate class of surviving children; and not that, after their respective deaths, their respective shares are to go to their respective surviving children. *Minton v. Cave*, 10 Jur. 86—V. C. E.

*Vested, and not dependent on the Legatee's surviving their Parent—Implied Gift, as well as a Power.*—Where a testator gives stock to trustees, upon trust to pay the dividends to another person for life, and, after her decease, to pay both principal and interest to and amongst her children, as she shall by deed or will direct; but, if she shall leave no child living at her decease, or all die before a certain age, then over; and both of them attain that age, but one dies in the lifetime of the tenant for life, one-half of the fund will belong to the surviving child, and the other to the representatives of the deceased child, though the power be not exercised; for, in this case, there is a gift by implication as well as a power; and, although the limitation over might seem to imply that children who should survive their parent were the only objects of the testator's bounty, yet that implication is counterbalanced by the implication arising from the power to appoint by deed as well as by will. Moreover, in the absence of a perfectly clear expression of such an intention, it would be irrational to suppose that the testator could intend, that, if the children of the tenant for life, after attaining the given age, should die, leaving families, neither of the families should take anything, merely because those children did not survive their parent. Besides, in the case supposed, the condition on which the property was to go over did not happen. *Faulkner v. Lord Wynford*, 16 Law J. 8—V. C. W.

*Necessity for surviving a prior taker.*—Where a testator gives the dividends of stock to a person for life, and, after such person's decease, he gives the principal to several children, whom he names individually, and all and every other the child and children of the same parents that might be living at the decease of the tenant for life; the same to be transferred and paid to them respectively, in equal shares, on their respectively attaining twenty-one; those whom he names individually take absolute vested interests at twenty-one, though they die in the lifetime of the tenant for life; for, according to the true construction of such a gift, it is a gift to those whom the testator names individually, whether living at the decease of the tenant for life, or not, and to all others who might come into existence and be living at that time. *Roberts v. Burder*, 2 Coll. 130. For, the condition of being alive at that time forms part of the description of the after-born children; but it is not even grammatically connected with the children individually named; and it is a kind of condition, which, so far from being extended to persons to whom it does not literally apply, is one the application of which the courts will endeavour to avoid, even where it literally does apply.

*Vested Interest in a Legacy, subject to be devolved in the event of not surviving a Parent.*—Although a court of equity will lay hold of any passage or expression which will assist it in putting such a construction on a will, that a limitation in favour of children may not be de-

pendent on their surviving their parents or a prior taker, yet, where the language of the will expressly and unequivocally makes the interests of the children, or even of some of them and not of others, dependent on that contingency, and there is nothing in the will to indicate a contrary intention; there, the court must give effect to the intention so expressed, however antecedently improbable it may be that such was really the testator's intention, and whatever hardship may be thereby occasioned. Thus, where a testator directs his trustees to set apart, out of his residuary personal estate and the proceeds of the sale of his real estate, a sufficient sum to produce an annuity for his widow, and directs that they shall stand possessed of the residue during her lifetime, and of the whole after her decease, upon trust to pay and divide the same unto and equally between and amongst all his children as and when they shall severally and respectively attain the age of twenty-one years, and to their several and respective executors, administrators, and assigns; but, in regard to such of his children who had already attained the age of twenty-one years, he directs that the shares of such his children shall be paid to them respectively at the expiration of twelve months after the decease of his wife; with a limitation over in favour of their issue, in the event of the decease of any or either of his said children, before he, she, or they, or either of them shall have received or become possessed of their divisional share as aforesaid; and with benefit of survivorship between and among such children, in case of their not having issue who shall attain twenty-one; the children who had attained twenty-one at the date of the will take vested interests, liable to be divested in the event of their decease before the time fixed for the actual payment of their shares; and the children who had not attained twenty-one at the date of the will take vested interests on their attaining twenty-one not liable to be divested. *Rummell v. Gillow*, 15 Law J. 35—V. C. W.

*Interest on such a Legacy before Devestment.*—Persons who take vested interests in personal estate liable to be divested are entitled to the interest which accrues from the period when they take vested interests until the divestment happens. *Id.*

*Necessity for surviving a prior taker—Lapse to Heir of Legacy of Produce of Sale of Real Estate.*—Where a testator, after directing the conversion of real estate, gives the proceeds to children of a person (without naming them) that are living at such person's death, "in the following manner;" and then he mentions the shares which some, whom he names, are to take; the shares in the unconverted real estate of those who die in their parent's lifetime will not pass to their representatives, but, if the will contains no residuary devise, will lapse to the heir-at-law, who will take them as personal estate. *Hatfield v. Pryme*, 2 Coll. 204.

*Giving over of accruing shares—Necessity for surviving in order to take a gift over.*—Where a testator bequeaths personal property upon trust for a family of children who shall be living at a particular period for life, and, after the death of any of them, upon trust to stand possessed of a proportionate share for the issue of such child or children so dying, absolutely; but, in case of such child or children dying without leaving issue, then, as to the proportionate share of the child so dying, upon trust for the other children then living, and the issue of such of them as may be then dead; with a limitation over of "the share, as well original as accruing," of the last surviving child, in case none of the children shall leave any issue; in such case, the accruing shares of the children who live till the specified period, and then die without issue, do not go over to the surviving children with the original shares, but belong to the representatives of the children so dying without issue;

and the issue of any child who lives till the specified period and then dies, must be living at the decease of any other child who dies without issue, in order to take a share of the original share of such child so dying without issue. *Macgregor v. Macgregor*, 2 Coll. 192.

*Period to which the word "surviving" refers.*—Where a testator bequeaths to a person a sum of money "after marriage," and, in a subsequent part of his will, (whether in language creating a trust, or merely amounting to a recommendation, is not material), he expresses a hope or desire, that, if she die without issue, then, on the decease of her husband and herself, her fortune should revert to her "surviving brothers," and the brothers survive her, but die in the lifetime of her husband; the property will belong to her husband absolutely, as her personal representative; because the word "surviving" refers to the brothers surviving both her and her husband; and because the money is bequeathed to her absolutely in the first instance, and, the trust (if the subsequent words amounted to a trust) in derogation of that absolute bequest having failed, the bequest stands as if no such trust were superadded. *Eaton v. Barker*, 2 Coll. 124.

See "Survivorship."

LEGAL ESTATE—See "Married Women."

MAINTENANCE—See "Legacy," Case 5.

*Apportionment of a Rent-charge.*—Where a testator gives annuities charged on land for the maintenance of younger children up to the time that the eldest son shall attain twenty-one, each of such annuities to be paid on the birthdays of the respective children; an apportioned part of an annuity is due for the interval extending from the birthday of a younger child which next precedes the time of the eldest son's attaining his majority, up to that time. *Sheppard v. Wilson*, 4 Hare, 395.

There is another case on the subject of maintenance, namely, *Williams v. Edwards*, (2 Coll. 176); but it did not seem necessary to abstract it.

MARRIED WOMEN.

*Devise in Fee to Separate Use, with Prohibition of selling or incumbering.*—Real estate may be devised for the separate use of a married woman, although it be devised to her in fee; and, if a prohibition of selling, charging, mortgaging, or incumbering be annexed to such a devise, whether such prohibition is confined to the period of coverture or expressed indefinitely, and whether it precedes or follows the words relating to the separate use, she will be disabled during the coverture from making any sale, charge, mortgage, or incumbrance, to take effect against her estate during the coverture. *Baggett v. Meux*, 1 Coll. 138, affirmed by L. C., 10 Jur. 213.

*Limitation to Trustees "in Trust for" a married woman, for her Separate Use, giving her the Legal Estate.*—Where land is limited, by a marriage settlement, to trustees and their heirs, to the use of the intended wife until the marriage, and after the solemnization thereof, "in trust for" her for life, for her own sole and separate use, independent of her husband, his debts, control, or enjoyment; the trustees do not take the legal estate during the life of the wife, but the use is executed in her by the express words of the Statute of Uses, and the subsequent words constitute a condition which is void at law. *Williams v. Waters*, 14 Mee. & W. 166.

MISTAKE.

*Substituting a new Charge, without extinguishing the former one.*—Where, by a deed of settlement before marriage, a charge is created in favour of the father of the lady, to the amount of the portion given her by

him, and afterwards a deed is executed and a fine levied, with the view of putting an end to the settlement and of barring such charge, but without having that effect, and, by the second deed, another charge to the same amount is created in favour of the lady, who takes a less beneficial interest, in other respects, under the second deed than under the first, and such second charge appears, upon the face of the deed, to have been intended to be a substitute for the charge created by the first deed; both charges will, nevertheless, be established: the first, because it was never barred; and the second, because the wife, especially after the lapse of very many years since the execution of the deed, cannot be deprived of the charge which she had stipulated for by the second deed, merely because her husband did not take the proper means to extinguish the first charge. *Farr v. Sheriffe and Dykes v. Farr*, 15 Law J. 89—V. C. W.

**Signing & Consent to an Exchange under a Mistake.**—Where a proprietor of land in a parish about to be inclosed under an act of Parliament, signs a consent to exchange certain pieces of ground belonging to him, designated therein by numbers corresponding to the numbers by which the same are distinguished in a map and terrier used for the purposes of the inclosure and previously inspected by his agent, and the commissioner thereupon allots those pieces of ground in exchange, and such exchange is approved of by the agent of the proprietor, and the allottee of one of them is let into possession, and begins to exercise acts of ownership, with the consent of the agent; the proprietor has no right to repudiate the consent so signed by him and the exchange made in consequence thereof, and to ask for an injunction to restrain the commissioner from making his award accordingly, upon the ground, that, before the consent was drawn up, he (the proprietor) had instructed his agent not to permit the exchange of that piece of ground except for other land of the like nature; and that he, (the proprietor), on signing such consent, concluded that it did not comprise that piece of ground, when, in reality, it did comprise it, and the same was allotted in exchange for land of a different nature; the restriction imposed on the agent not having been communicated by him to the commissioner. For the proprietor must be the sufferer by the neglect of his agent, and by his own negligence in not inquiring what property was designated by the numbers in the consent before signing it. And, in such case, if the proprietor brings an action of ejectment for the piece of ground in question, he may be restrained, by an injunction, from proceeding with it. *Duke of Beaufort v. Neeld*, 12 Cl. & Fin. 248.

See "Legacy."

#### MORTGAGE.

**Liability in respect of Shares in a Banking Company after Payment of the Mortgage Debt and Requisition to re-transfer the Shares.**—Where shares in a banking company are transferred by way of mortgage, and afterwards the debt is paid off, and the mortgagor and mortgagee apply to the directors of the company to have the shares re-transferred, the mortgagee becomes a trustee for the mortgagor from that time, and, as such, entitled to an indemnity in equity from his cestui que trust in respect of calls on other payments required to be made during the interval between the requisition to re-transfer the shares and the actual re-transfer thereof. *Phene v. Gillon*, 15 Law J. 65—V. C. W. In this case it was agreed that the mortgagee should not be liable for any calls or other payments in respect of the shares; but the decision does not appear to have been in any way grounded on that circumstance.

**Priority of subsequent Mortgages of Stock over Assignment for the Benefit of Creditors—Notice.**—Where a

person, who has a reversionary interest in stock standing in the names of trustees, bequeaths the same to another person, and appoints one of the trustees her executor, and the legatee made a general assignment of his estate and effects to the other trustee for the benefit of his creditors, of which no notice is given to the executor, who had not assented to the bequest, and the legatee afterwards assigns the stock by way of mortgage, of which notice is given to the executor, the last assignee has the priority; because notice to the executor is necessary where the bequest has not been assented to by him, and constructive notice to the trustees alone, by means of the actual information of the one who is the first assignee, is not sufficient, at least where the other trustee who is also executor, had no actual information of the first assignment in any way. Nor did the pendency of a suit for carrying into effect the trusts of the first assignment constitute notice of the assignment of the stock in question, if there was no specific claim made in that suit to the legacy in question. *Holt v. Dowell*, 4 Hare, 446; 15 Law J. 14.

NOTICE—See "Mortgage."

#### PARTNERSHIP.

**Payment of Interest by surviving Partners, one of whom is the Executor of the deceased Partner—Statute of Limitations.**—Where money is deposited with a banking firm, and one of the partners dies, and appoints another of the partners his executor, subsequent payments of interest by the bank, even under its original name or style, are not to be deemed payments by the executor of the deceased partner in his character of executor, and will not keep alive the debt as against the real or personal estate of the deceased partner, so as to prevent the Statute of Limitations from barring the same as against such estate. *Way v. Bassett*, 15 Law J. 1—V. C. W.

#### PERPETUITY.

**Power to cut down Timber until there should be a Tenant in Tail of full Age, and to invest the Proceeds in Land.**—Where an estate is devised in strict settlement, and the will, after restraining each tenant for life from cutting timber and underwood, except for repairs, declares that it shall be lawful for the executors, at any time, until some person entitled in possession to an estate tail or some greater estate shall attain the age of twenty-one years, to enter and cut timber and underwood, and directs them from time to time, with the consent and approbation of the persons entitled to the rents and profits of the estate, to invest the residue of the proceeds arising from such timber and underwood, after payment of debts and legacies, in the purchase of lands, to be settled to the same uses as the estate devised; the power, whether it be imperative or permissive only, is void, as a whole; because timber stands upon the same footing as the annual rents and profits of an estate in regard to the rule against accumulation beyond a certain period and the rights of a tenant in tail; and if such a trust as that above mentioned were sustained, it would derogate from the rights of each infant tenant in tail, and there might be an accumulation for ages, inasmuch as the event of there being a tenant in tail of the age of twenty-one might not happen for hundreds of years, perhaps never. And not only is the power void as a whole, but it cannot be apportioned so as to be supported so far as it does not transgress the limits allowed by law. *Ferrand v. Wilson*, 4 Hare, 344, and 15 Law J. 41, abstracted from the latter report.

Although in this case the learned judge held that the power could not be apportioned, yet he said that he had the strongest impression, that, if the mind of the

testator be, that successive acts shall be done from year to year, commencing with the year after his death, and if each of these acts be complete in itself, (as felling timber, and converting the proceeds into land upon the use of a settlement), and if each act is an exact fulfilment, as far as it goes, of the intention of the testator, both as to the thing done and the parties to be benefited by it, there is no ground why the court should not sustain such a power, as long as the exercise of it, determined by events as they stand at the death of the testator, will not be affected by the law against perpetuities, and should not hold the power void only for the excess. But he did not venture to act upon that opinion, as, by so doing, he considered that he should be contravening the language of other cases, particularly that of *Ware v. Polhill*, 17 Ves. 257. *Ib.*, 15 Law J., 50, 51.

See "*Remoteness*."

### PORIONS.

*Right of the Owner of Land charged with Portions to have them raised before they are payable.*—Where real estate is limited for a term of years, upon trust, out of the rents, or by mortgage or sale, to raise a certain sum varying in amount according to the number of the children, and to be paid at a certain age or on marriage, with interest at 5l. per cent. in the meantime for their maintenance, the eldest son is not entitled to have the portions raised and invested, and his estate discharged, before any of the portions are payable; because younger children ought not to be deprived of the security of the land, or be obliged to take the lower rate of interest in the funds. And, for the same reason, the eldest son is not entitled to have the portion of the youngest child raised and invested, when the portions of the elder children are payable, but before the portion of the youngest is payable. *Sheppard v. Wilson*, 4 Hare, 392.

(This Part to be concluded next week).

### Court Papers.

#### EQUITY CAUSE LISTS, TRINITY TERM, 1846.

\* \* The following abbreviations have been adopted to abridge the space the Cause Papers would otherwise have occupied:—*A.* Abated—*Adj.* Adjourned—*A. T.* After Term—*Ap.* Appeal—*C. D.* Cause Day—*C. Costs*—*D.* Demurrer—*E.* Exceptions—*F. D.* Further Directions—*M.* Motion—*P. C.* Pro Confesso—*Pl.* Plea—*Pts.* Petition—*R.* Re-hearing—*S. O.* Stand Over—*SA.* Short.

### Court of Chancery.

Before the LORD CHANCELLOR.

#### APPEALS.

Strickland v. Strickland	(Ap) } <i>Day</i>	Mitford v. Reynolds (E) } By
Ditto v. Boynton	<i>To be</i>	Johnson v. Ditto (F D) } ord.
Ditto v. Strickland	<i>fixed.</i>	Thwaites v. Foreman (Ap)
Vandeleur v. Blagrove (Ap) To		Watts v. Lord Eglinton (Ap)
<i>fix a day</i>		Cusson v. Belworthy (Ap)
Coore v. Lowndes (Ap) To <i>fix</i>		Watson v. Parker (Ap)
<i>a day</i>		Dietrichson v. Cabburn (Ap)
Minor v. Minor (2 Ap) } To		Bellamy v. Sabine (Ap)
Ditto v. Ditto (Suppl.) } <i>fix a</i>		Att.-Gen. v. Malkin (Cause by
<i>suit</i>	<i>day</i>	order)
Dalton v. Hayter (Ap) To <i>fix</i>		Johnson v. Child (Ap)
<i>a day</i>		Kidd v. North (Ap)
Att.-General v. Masters and		Dord v. Wightwick (Ap)
Wardens, &c. of the City of		Molesworth v. Howard (Ap)
Bristol (Ap) To <i>fix a day</i>		Carmichael v. Carmichael (Ap)
Youngusband v. Gisborne		Hawkes v. Howell (Ap)
(Ap, part heard)		Heming v. Swinnerton (Ap)
Whitworth v. Gangan (Ap)		Trail v. Bull (Ap)
Bush v. Shipman (Ap)		Youde v. Jones (Ap)
Black v. Chaytor (Ap)		Lawrence v. Bowls (Cause by
		order)

Wrightson v. Macaulay (Ap)  
Gompertz v. Gompertz (3  
causes, Ap)  
Morris v. Howse } (Ap)  
Horseman v. Abbey }  
Thomas v. Blackman (Ap)  
Bonds v. Slyman (Ap)

Cooper v. Fitcher (Ap)  
Salkeld v. Johnson (on eq. re.)  
Booth v. Creswicks (Ap)  
Forbes v. Leeming (Ap)  
Andrews v. Lockwood (Ap)  
Stocker v. Dawson (4 ca., Ap)  
Sharp v. Day (2 Ap) May 27

### Before the VICE-CHANCELLOR OF ENGLAND.

#### PLEAS, DEMURRERS, CAUSES, AND FURTHER DIRECTIONS.

Mainwaring v. Dickenson (E as to answer)	Andrew v. Moore (F D, C)
Bell v. Earl of Mexborough (D)	Wait v. Horton (F D, C)
Sanders v. Kelsey (D)	Montague v. Cator (F D, C)
Colombine v. Chichester (2 D)	Groom v. Stinton (4 causes)
Moore v. Mitchell (2 D)	Elliott v. Elliott
Att.-Gen. v. Earl of Devon (part heard) May 25	Ford v. Westall
Johnson v. Forrester (F D)	Corbett v. Limbrick (F D, C)
Henderson v. Eason (E, F D, Pts)	<i>SA</i>
Terry v. Wachter	Baxter v. Abbott (F D, C)
Simpson v. Holt (F D, C)	Woods v. Woods (5 causes)
Garrod v. Moor	Webb v. Gower
Smale v. Bickford } Bickford v. Bickford }	Bagshaw v. Macneil
Peacock v. Kernot	De Beauvoir v. De Beauvoir (F D, C)
Morrison v. Watkins	Beale v. Warder (rehearing)
Wright v. Barnwell (E, F D)	Turner v. Simcock (F D, C)
Greenway v. Buchanan	Booth v. Lightfoot (F D, C)
Walton v. Morrill	Waugh v. Waugh
Dobson v. Lyle (F D, C)	Tufnel v. Drever
Parker v. Hawkes (E)	Ludlow v. Guilleband (F D, C)
Davison v. Bagley	Parris v. Loosmore (2 causes)
Penny v. Turner	Hurst v. Kemp
Giffard v. Withington	Ashton v. Higginbottom (2 c.)
Daniel v. Hill	Bourne v. Hensell (2 causes)
Insole v. Featherstonhaugh	Maitland v. Rodger (2 causes)
Lane v. Durant (E, F D)	Howell v. Saer (2 causes)
Pocock v. Johnson	Teague v. Woodfall
Cope v. Lewis	Att.-Gen. v. East India Co.
Evans v. Hunter	Plowden v. Thorpe
Attorney-Gen. v. Trevanion	Warne v. Golding
Stert v. Cooke	White v. Thorndell
Blundell v. Gladstone (4 caus. F D)	Major v. Major
Hodgkinson v. Barrow (F D, C)	Pinkney v. Remmett
Colbourn v. Colling	Bailey v. Fardell (F D, C)
Langton v. Langton (2 caus.)	East India Co. v. Coopers' Co.
Gowar v. Bennett (F D)	Baker v. Bayldon
Hickson v. Smith (at deft. request)	De Visme v. Graham (2 caus.)
Palmer v. Pattison (F D, C)	Hollings v. Kirkby (3 causes)
Minter v. Wraith (F D, C)	<i>SA</i>
Mason v. Wakeman (E)	Roberts v. Cardell (E)
Hemming v. Splers (E)	Cook v. Tinney
Chambers v. Waters (E)	Baker v. Walton
Lord Beresford v. Archbishop of Armagh (F D, C)	De Sola v. Mesnard
Smith v. Robinson	Campbell v. London and Brighton Railway Co.
Foster v. Vernon (F D, C)	Whitsea v. Jackson (F D, C)
Johnstone v. Lamb (F D, C)	Langston v. Manby <i>SA</i>
Vale v. Sherwood (7 causes, F D, C)	Stephens v. Green (2 causes)
Haffenden v. Wood (E)	Jessop v. Jessop
Branscomb v. Branscombe (F D, C)	M'Dermot v. Wilcox (2 cau.)
Stammers v. Halliby (3 ca. F D)	Flight v. Bushby
Ditto v. Batiye (by order)	Blair v. Bromley
Gray v. Gray (3 causes, F D)	Burt v. Burnham
Dorville v. Wolff (F D, C)	Robertson v. Lockie
Richards v. Patterson (F D, C)	Nicholson v. Locke (2 causes)
Roach v. Downer (F D, C) <i>SA</i>	Warwick v. Richardson (E)
Beaton v. Beaton	Morgan v. Kingdon (F D, C)
Woodman v. Madgen (F D, C)	Marshall v. Marshall (F D, C)
Att.-Gen. v. Pearson (E, F D)	Dolland v. Reed
Craddock v. Piper (F D, C) <i>SA</i>	Lewis v. Hinton (F D, C)
Dawson v. Chappell (F D, C)	Duncombe v. Levy
	Wilson v. Williams
	Dell v. Dell
	Burnett v. Mackenby
	Robotham v. Amphlett (E)
	Pool v. Troughton <i>SA</i>
	Fraser v. Jones
	Brown v. Colven <i>SA</i>
	Halford v. Staines
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Goldsmid v. Drewe (F D, C)  
Pepper v. Decker

Fauldng v. Newborn }  
Ditto v. Shirriff }

*Before the Vice-Chancellor KNIGHT BRUCE.*

CAUSES, FURTHER DIRECTIONS, AND EXCEPTIONS.

Curry v. Curry (Pl)  
Dodsworth v. Lord Kinnaid  
(at deft. req.) *Mich. T.*  
Ditto v. Ditto *Mich. T.*  
Taylor v. Taylor *May 23*  
Middleton v. Wolf  
Rowe v. Hardey *May 22*  
Hanwell v. Denton (F D, C)  
Caton v. Rideout *July 17*  
Att.-Gen. v. Mayor, &c. of  
Newcastle-upon-Tyne  
Boileau v. Rudlin *May 22*  
Hawthorne v. James (F D, C)  
*May 22*  
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Thomas v. Flound (E)  
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Topham v. Buxton  
Attorney-Gen. v. Harvey  
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Smith v. Webster (F D, C)  
Davies v. Salisbury  
Morley v. Bridges  
Baker v. Smith } (F D, C)  
Ditto v. Baker }  
Lacey v. Ingle  
Goodrick v. Exall  
Malins v. Price  
Oldfield v. Tarrt (F D, C)

Brent v. Brown  
Chaplin v. Garvick }  
Ditto v. Chambers }  
Hamond v. Swayne (F D, C)  
Morehouse v. Newton  
Sowden v. Marriott  
Collis v. Collis  
Denman v. Mead }  
Ditto v. Harding }  
Ulph v. Darlington  
Haigh v. Dixon (F D, C)  
Richards v. Haynes  
Jones v. Jones  
Fuller v. Fuller  
Roper v. Yallop  
Hales v. Plowden  
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Scott v. Fenning  
Langdon v. James  
Attorney-Gen. v. Pearson  
Attorney-Gen. v. Berry  
Ireland v. Cox (F D, C) *SA*  
Helliwell v. Briggs (2 causes)  
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Querrill v. Binnimore (F D, C)  
Lashman v. Lashman (F D, C)  
Butcher v. Rich (F D, C)  
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*Before the Vice-Chancellor WIGHAM.*

CAUSES, FURTHER DIRECTIONS, AND EXCEPTIONS.

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Phillips v. Meinertzhagen *To*  
*fix a day*  
Beadman v. Beadman (F D)  
*SO*  
Ward v. Key *After term*  
Lancaster v. Jackson  
Thomas v. Reynolds (E) *SO*  
Preston v. Wilson *May 22*  
Stinton v. Avern  
Gibson v. Ings  
Sharland v. Mildon  
Garth v. Maclean  
Shafto v. Shafto  
Roggers v. Nowell (part hd.)  
*May 23*  
Cotterell v. Homer *May 23*  
Fyson v. Adams *May 22*  
Allen v. Knight (part heard)  
*May 22*  
Ward v. Ward }  
Ditto v. Whitmore }  
Alsager v. Miller  
Lashbury v. Perks  
Paterson v. Wilson } *May 22*  
Ditto v. Belcher }  
Lander v. Kendall  
Jones v. Thomas

Bailey v. Lambert  
Flight v. Marriott  
Lowe v. Lowes (F D, C)  
York v. Pole }  
Ditto v. Collins }  
Bower v. Scott  
Western v. Wood (E, 2 sets)  
Teschemaker v. Eccles  
Sayers v. Lacon (E)  
Ditto v. Ditto (F D)  
Edye v. Hunter  
Jackson v. Pickering (F D)  
Hutchinson v. Ditto (2 ca.) }  
Joynson v. Twigg  
White v. Van Sandau }  
Ditto v. Hedges }  
Mellon v. Stanley (F D)  
Ditto v. Ditto (cause)  
Walker v. Sharpe  
Sweeting v. Hellard (F D, C)  
Burch v. Western (E)  
Harrison v. Harrison (F D, C)  
*SA*  
Harrison v. Harrison *SA*  
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M'Mahon v. Burchell (F D, C)

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JUDGMENTS.

Earl Nelson v. Lord Bridford  
(E)  
Hulkes v. Beauclerk (Cause)  
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Att.-Gen. v. Ironmongers' Co.  
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PLEAS AND DEMURRERS.

Tristram v. Roberts (D, part  
heard)  
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(D)  
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A. J. Hope v. Hope  
H. J. Hope v. Hope

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Ditto v. Derby { *Till*  
*ment*  
Att.-Gen. v. Bedingfield *T. T.*  
Hele v. Bexley } (E) *SO to file*  
Ditto v. Ditto } *Supp. Bill*  
Campbell v. Crook (E)  
Augerand v. Parry (pt. heard)  
Hodgkinson v. Cooper (E,  
part heard)  
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burton } *1st*  
Kinder v. Pennell } *CD*  
Barnes v. Hastings *SO to file*  
*interrogatories*

Attorney-Gen. v. Roose  
Harris v. Farwell (One point  
only) *1st CD*  
Hargrave v. Hargrave  
Sanderson v. Dobson  
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Att.-Gen. v. Davies } *after T.*  
Dowden v. Hook } *1st CD*  
Dowden v. Dowden }  
Martin v. Sedgwick }  
Martin v. Cole }  
Wilson v. Sir William Edon  
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C)

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Jackson v. Jackson }  
Jackson v. Jackson }  
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burn } (E)  
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Hodgkinson v. Wyatt (E, F D,  
C)  
Clark v. Chuck  
Bagshaw v. Parker }  
Bagshaw v. Parker }  
Staunton v. Scott } (F D, C)  
Staunton v. Power }  
Brown v. Staunton }  
Whitcher v. Penley (F D, C)  
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Best v. Davis (E)  
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C)  
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D, C)  
Wood v. Pattison } (F D, C)  
Wood v. Black }  
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Todd v. Wilson  
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Carr v. Heuderson (E)  
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the Bank of England  
Dashwood v. Coffin  
Coffin v. Coffin

**Court of Queen's Bench.**

NEW TRIALS

REMAINING UNDETERMINED AT THE END OF THE SIT-  
TINGS AFTER EASTER TERM, 1846.

HILARY TERM, 1845.

Lond.—Lowe v. Penn

EASTER TERM, 1845.

Chester—Doe d. Reg. v. Abp.  
of York (part hd.)  
Devon—Barratt v. Oliver  
" Doe d. Molesworth  
v. Sleeman (part  
heard)

Somer.—Lambert v. Lyddon  
Northum.—Bolan v. Shaw  
Durham—Ray v. Thompson

" Reg. v. Gt. North  
of England Rail-  
way Co.

" Hansell v. Hutton  
York—Doe d. Ld. Downe v.  
Thompson

" Ld. Visct. Downe v.  
Same

" Phillips v. Broadley

" Petch v. Lyon

" James v. Brook

Lincoln—Saffery v. Wray  
Salop—Stokes v. Boycott  
Monmouth.—Williams v. Stiven  
Glamorgan—Doe d. Simpson  
v. John

*Tried during Easter Term,*  
1845.

Midd.—Hopkins v. Richard-  
son

TRINITY TERM, 1845.

Midd.—Rich v. Dix  
Lond.—Curling v. Shepherd  
" Sheringham v. Collins  
" Day v. Edwards  
" Sedgwick v. Hammon

*Tried during Trinity Term,*  
1845.

Midd.—Paul v. Simpson  
" Mitchell v. King

MICHAELMAS TERM, 1845.

Midd.—Wimberley v. Hunt  
" Baker v. Drew

Midd.—Reg. v. Thornton  
 " Reg. v. Gompertz  
 " Gibbons v. Hunter  
 " Goode v. Cochrane  
 " Ford v. Beech  
 " Jacobs v. Dawes  
 Lond.—Buisson v. Staunton  
 " Browne v. Harnor  
 " Welsh & an. v. Reed  
 " Murrieta v. Oldfield  
 " Nicoll v. Gillan  
 Stafford—Skerratt v. Christie  
 " Biddlestone v. Burdett  
 Essex—Rogers v. Kennay  
 " Doe d. Goody v. Carter  
 Surrey—Gillett v. Bullivant  
 " Youell v. Cross  
 " Archer v. Smyth  
 " Doe d. Pennington  
 v. Barrell  
 Northamp.—Sutton v. Maquire  
 Cardiff—Taylor v. Clay & an.  
 " Doe d. Lord v. Kings-  
 bury  
 Carmarh.—Protheroe v. Jones  
 " Chambers v. Thomas  
 " Same v. Same  
 " Same v. Same  
 Cardigan—Doe d. Jenkins v.  
 Davies  
 Brecon—Maybery v. Mansfield  
 York—Smith v. Smith  
 " Marshall v. Powell  
 " Spence v. Meynell  
 " Doe d. Norton v.  
 Norton  
 " Bainbridge v. Bourne  
 " Wilkinson v. Hay-  
 garth  
 " Same v. Same  
 " Bainbridge v. Lax  
 Durham—Smith v. Hopper  
 " Reed v. Same  
 " Hinde v. Raine  
 Devon—Doe d. Earl of Egrem-  
 mont v. Sydenham  
 " Mayor of Exeter v.  
 Harvey & an.  
 " Damerell v. Protheroe  
 " Schank v. Sweetland  
 Cornwall—Marshall v. Hicks  
 Somerset—Doe d. Earl of Egrem-  
 mont v. Williams  
 Bristol—Addison v. Gibson

*Tried during Hilary Term,*  
 1846.  
 Midd.—Lovelock v. Franklyn  
 EASTER TERM, 1846.  
 Midd.—Pemberton v. Vaughan  
 " Thompson v. Pettit  
 " Vincent v. Dore  
 Lond.—Curtis v. Pugh  
 " De Freiss v. Littlewood  
 " Follett v. M'Andrew  
 " Tucker v. Clarkson  
 " Reg. v. Parker  
 Kent—Doe d. Jacobs v. Phil-  
 lips  
 Sussex—Standon v. Christmas  
 " Kine v. Evershed  
 Surrey—Pemberton v. Colls  
 " Samuel v. Green  
 Durham—Hills v. Mesnard  
 York—Mountain v. Groves  
 " Worth v. Gresham  
 Liverpool—Doe d. Haywood  
 v. Tinsley

Chester—Joinson v. Oldfield  
 " Davis v. Falk  
 " Doe d. Groves v.  
 Groves  
 Glamorgan—Doe d. Richards  
 v. Evans  
 " Doe d. Bennett  
 v. Harry  
 Carmarh.—Thomas v. Frede-  
 ricks  
 " Same v. Same  
 Lincoln—Chapman v. Rawson  
 Stafford—Whitmore v. Leak  
 Hereford—Evans v. Horniatt  
 Glo'ster—Garbett v. Adams  
 " Doe d. Dyke v. Dyke  
 Somerset—Parnell v. Smith  
 Devon—Woolmer v. Toby

## STANDING FOR JUDGMENT.

Willoughby v. Willoughby  
 Brooks v. Bockett  
 Same v. Same  
 Belcher v. Gummow  
 Rogers v. Brenton  
 Doe d. Earl of Egremont v.  
 Langdon  
 Musgrove v. Emerson  
 Cocker v. Musgrove  
 May v. Burdett  
 Hope v. Harman  
 Reg. v. Corporation of Man-  
 chester  
 Dobson v. Blackmore  
 Doe d. Earl of Egremont v.  
 Courtenay  
 Doe d. Dayman v. Moore  
 Tanner v. Moore  
 Inkeep v. Harper

## SPECIAL CASES AND DEMURRERS

FOR TRINITY TERM, 1846.

Those marked thus \* are Special cases—the rest are demurrers.

## FOR ARGUMENT.

\*Dale v. Pollard & ors. (stands  
 over till judgment given in  
*Goaling v. Veley & an.*)  
 Stephenson v. Newman (stands  
 over till case in Exchequer  
 Chamber is decided)  
 Dolby v. Rimington  
 \*Pennell & ors. v. Rhodes  
 Springett v. Morrell  
 \*Robinson v. Hawksford  
 \*Flanders v. Bunbury

Sharp v. Watts  
 Whitaker v. Richards  
 Frost v. Lloyd & an.  
 Wilkinson v. Gaston (restored)  
 \*Westley v. Kromheim & ors.  
 Chamberlain v. Hammond  
 Scadding v. Eyles  
 Knight v. Gaunt  
 Chamberlain v. Hammond  
 Lawton v. Hickman  
 Sharpe v. Black, Clerk  
 Bryant & an. v. Holmes

Nind v. Parry  
 Ranger v. Parry  
 Loomes v. Oldfield  
 Herbert v. Booth & ors.  
 Newton v. Boodle  
 Same v. Rowe and Norman  
 Fielding v. Daniels  
 \*Cobb v. Allan & an.  
 Hutt v. Morrell  
 Williams v. Chambers  
 Eadon v. Branscomb  
 Blagg v. Gibson  
 Andrewes v. Lord Lyndhurst  
 Nicoll v. Orgill  
 O'Neill v. Bundle  
 \*Doe d. Renow v. Ashley  
 Lynall & an. v. Challender  
 Cardwell & ors. v. Holgate  
 Bull & an. v. Taylor & ors.  
 Ray v. Hirst

Smith v. Ball  
 Munden v. Duke of Brunswick  
 \*Doe d. Hawksworth v.  
 Hawksworth  
 Parnell v. Jones  
 Mitchell v. Johnson  
 Levy v. Webb

## STANDING FOR JUDGMENT.

Nicholls v. Stretton  
 Wrightup v. Greenacre  
 Goaling v. Veley & an.  
 Wakefield & an. v. Brown  
 Barley v. Walford  
 Harrold v. Whitaker  
 Pollitt v. Forest & ors.  
 \*Scadding v. Lorant  
 Giles v. Giles  
 Gatty v. Field

## ENLARGED RULES

FOR TRINITY TERM, 1846.

Those marked thus \* are to be heard in the Bail Court.

## First Day.

Raworth v. King  
 Miles v. Williams  
 \*Doe d. Davies v. Roe  
 \*In re Darby & ors.  
 \*In re Wilson & ors.  
 \*Rose v. The Port Talbot Co.  
 Boosey v. Davidson  
 \*Doe d. Pennington v. Taniere  
 Reg. v. Pemberton  
 Reg. v. Sharp  
 Reg. v. The Justices of Devon  
 Reg. v. Black, Clerk  
 Reg. v. The Dean and Chapter  
 of Chester  
 Reg. v. The Bishop of Chester  
 \*Reg. v. The Recorder of  
 York  
 Reg. v. The Justices of Gla-  
 morganshire

## Second Day.

Page v. Hatchett  
 \*Dovell v. Jevs

## \*Lane v. Horlock

\*Doe d. Body v. Cox  
 Wilton v. Chambers  
 Same v. Same  
 Same v. Same  
 Same v. Same  
 Trix & Wife v. Thorne  
 Reg. v. Gardiner  
 Reg. v. The Inhabitants of  
 Watford

## Third Day.

\*Ex parte Overton, in re Peers  
 Bowen v. Minter  
 \*Thomas v. Jacobs & ors.  
 Reg. v. Sanders  
 Reg. v. Baron de Bode

## Fifth Day.

Stokoe & an. v. Winship  
*Monday, June 1, by consent.*  
 \*Reg. v. The Justices of Ely  
 (two cases)

## CROWN PAPER, TRINITY TERM, 1846.

For Wednesday, May 27.

Middlesex .... Reg. v. Inhabitants of Mile End, Old Town.  
 Yorkshire .... Inhabitants of Northwram.  
 Devonshire ... Inhabitants of Newton Ferrars.  
 Surrey ..... Churchwardens of St. Mary, Lambeth.  
 Leicestershire.. Inhabitants of Radcliffe Culey.  
 Lincolnshire .. Trustees of the river Welland.  
 Hampshire.... Inhabitants of Molesworth.  
 Devonshire ... Inhabitants of Holne.  
 Essex ..... Inhabitants of Saffron Walden.  
 Buckinghamsh. Churchwardens of Aylesbury with  
 Walton.  
 Middlesex .... Inhabitants of St. Giles in the Fields.  
 Surrey ..... Pockock.  
 Middlesex .... Inhabitants of St. Clement's Danes.  
 Staffordshire .. Pratt.  
 Northumberland Newcastle and Carlisle Railway Co.  
 Middlesex .... Inhabitants of St. Anne, Westminster.  
 Worcestershire Birmingham & Gloucester Railw. Co.  
 Devonshire ... Griffin.  
 New Sarum .. Inhabitants of St. Martin.  
 Middlesex .... Hamilton v. Reg. (in error).  
 Same ..... Reg. v. London, Westminster, and Vauxhall  
 Iron Steamboat Co.  
 Northumberland Inhabitants of Walbottle.  
 Middlesex .... Inhabitants of Watford, Herts.  
 Buckinghamsh. Inhabitants of Little Marlow.  
 Surrey ..... Inhabitants of Croydon.  
 Cornwall ..... Inhabitants of Mylor.

England.....	Reg. v. Commissioners of Stamps and Taxes.
Middlesex.....	Inhabitants of St. Paul, Covent Garden.
London.....	Wright v. Reg. (in error).
Dorsetshire...	Reg. v. Churchwardens of Andover.
Cumberland...	Churchwardens of Holme St. Cuthbert.
Middlesex.....	Westbrook.
Carnarvonshire	Churchwardens, &c. of Bangor.
Middlesex.....	Inhabitants of St. Anne, Westminster.
Same.....	Same (settlement of George Wood).
Worcestershire	Inhabitants of St. Peter, Droitwich.
London.....	Bateman.
Devonshire...	Inhabitants of East Stonehouse.
Same.....	Inhabitants of Widecomb in the Moor.
Essex.....	South-eastern Railway Company.
Ely.....	Inhabitants of Mendham, Suffolk.
Lancashire....	Inhabitants of Blackburn.
Carnarvonshire	Churchwardens of Bangor (orders).
Kent.....	Everist.

For Saturday, June 6.

Buckinghamsh.	Reg. v. Great Western Railway Company.
Same.....	Same.

### Court of Common Pleas.

#### NEW TRIALS.

EASTER TERM, 1846.	
Midd.—Gamble v. Kurts	Kent.—Elston v. Gascoyne
" Cranwell v. Cooper	Surrey.—Gibbons v. Alison
London.—Siggers v. Paynter	Essex.—Doe d. Bailey v. Foster
" Boydell v. Harkness	" Piggott v. Eastern
Beds.—Coulthas v. Bowes	Counties Railway
Somerset.—Doe d. Harrison v.	Co.
" Hampson	Gally v. Round
" Doe d. Gainsford v.	York.—Tempest v. Kilner
Stone	" Bowby v. Bell
	Liverp.—Tootal v. Johnstone

#### ENLARGED RULES.

To 1st Day.	To 2nd Day.
Woolley v. Smith	Tolson v. The Bishop of Car-
	Hale

#### DEMURRER PAPER.

Wednesday, May 27.	
Benham v. Earl of Mornington	Pammall v. Mill
Easton v. Peploe	Rogers v. Richards
Smith v. Shirley	Ablett v. Clarke
Gayard v. Sutton	Stevens v. Deaborough
Turner v. Browne	Smart v. Sanders
Tinniswood v. Pattison	Toomer v. Ginnell
Tackwall v. Morris	Wightman v. Green
Carr v. Maude	Boyson v. Gibson
Dormay v. Borradaile	Pownall v. Newark
Fitzgerald v. Lane	Williams v. Capper
Coates v. Jones	Stevoking v. Dutton
Reynolds v. Panton	Mills v. Acres
Messent v. Reynolds	Berry v. Newsham
Doe d. Blomfield v. Eyre	Doe d. Phillips v. Rollings
Hutton v. Thompson	
Joll v. Stewart	Friday, May 29.
Thatcher v. England	Tibalds v. Wanless
Hayward v. Bennett	Thompson v. Lack
	Brown v. Mallett
	Pawson v. Hurrell

#### CUR. ADV. VULT.

Patteson v. Holland, (to stand over till the sci. fa. in Q. B. is determined)	Cooper v. Shepherd
Doe d. Woodhall v. Woodhall	Gibbs v. Flight
Benson v. Chapman	Pryce v. Belcher
Beard v. Egerton	Roberts v. Grunsien
Doe d. Atkinson v. Fawcett	Rich v. Basterfield
	Gamble v. Kurts

### Court of Exchequer.

#### SITTINGS—TRINITY TERM, 1846.

	Banc.	Nisi Prius.
Friday .. May 22	{ Peremptory Paper after Motions	.....
Saturday..... 23	Do. before Motions	.....
Monday..... 25	.....	Midd. 1st Sitting
Tuesday..... 26	.....	.....
Wednesday .. 27	Special Paper	.....
Thursday..... 28	Circuits chosen	.....
Friday..... 29	.....	London 1st Sitting
Saturday..... 30	Crown Cases	.....
Monday.. June 1	Special Paper	Midd. 2nd Sitting
Tuesday..... 2	Errors	.....
Wednesday .. 3	Special Paper	.....
Thursday..... 4	.....	.....
Friday..... 5	.....	London 2nd Sitting
Saturday..... 6	.....	Ditto by adjourn.
Monday..... 8	Special Paper	Midd. 3rd Sitting
Tuesday..... 9	.....	.....
Wednesday..... 10	.....	.....
Thursday..... 11	.....	.....
Friday..... 12	.....	.....

#### NEW TRIAL PAPER FOR TRINITY TERM, 1846.

FOR JUDGMENT.	
Moved Mich. Term, 1845.	Maid.—Doe d. Stace v.
Bristol.—Kynaston v. Davis	Wheeler
Moved Hilary Term, 1846.	" Smith v. Jeffrye
Midd.—Thornett v. Haines	" Jackson v. Smithson
FOR ARGUMENT.	
Moved Mich. Term, 1845.	FOR ARGUMENT.
Midd.—Bennett v. Smith	Winch.—Pratt v. Beth
Moved Hilary Term, 1846.	Salish.—Mayor of Poole v.
London.—Lamert v. Heath	Whitt
" Ackerman v. Ehrensp-	Northamp.—Ashby v. Bates
pelger	Derby.—Middleton v. Lester
Moved Mich. Term, 1843.	Warwick.—Tart v. Darby
Staff.—Foley v. Botfield	" Gough v. Ingall
Moved after the 4th day of	" Huntingdon v. Gd.
Hilary Term, 1846.	Junction Railway
Midd.—Masters v. Abithol	Co.
Moved Easter Term, 1846.	York.—Naylor v. Scorch
Midd.—Daniels v. Fielding	" Booth v. Mills
" Grant v. Maddox	" Whalley v. Davison
" Harris v. Colley	Liverp.—Pilkington v. Scott
" Beamish v. Owens	" Jowett v. Spencer
" Wotton v. Fractonoo	" Unwin v. Horner
London.—Goldcutt v. Beagin	" Hahn v. Dalton
" Fenwick v. Boyd	" Ormerod v. Chad-
FOR JUDGMENT.	
London.—Fenwick v. Boyd	wick
" Laurie v. Douglass	" Ramsbottom v.
" Law v. Thompson	Duckworth
" Walstall v. Spottis-	" Fletcher v. Marshall
woods	" Marsden v. New-
" Filby v. Hodgson	marsh
" Hills v. Crosland	Carnarv.—Jones v. Carter
" Engleheart v. Moore	" Jones v. Foster
Staff.—Bickley v. Boydell	" Owen v. Mann
Shrews.—Bradley v. Tonge	" Jones v. Mann
" Garbett v. Yarbo-	" Hughes v. Mann
rough	" Griffiths v. Mann
Heref.—Wheeler v. Dalley	Beaumar.—Hughes v. Hughes
Monm.—Mason v. Jenkins	Chester.—Pott v. Clegg
Aylesbury.—Tarry v. Newman	" Stanway v. Nickson
Maid.—Barnett v. Harries	" Kearsley v. Cole
	" Chamberlaine v. The
	Chester and Bir-
	kenhead Rail. Co.
	Swansea.—Morris v. Barnes
	Chester.—Seller v. Jones
	Moved after the 4th day of
	Easter Term, 1846.
	Midd.—Swift v. Hawkins
	London.—Cooper v. Falkner

## SPECIAL PAPER.

## FOR JUDGMENT.

Duncan v. Benson—D.  
(Heard 2nd June, 1845).  
Cooke v. Turner—Sp. C.  
(Heard 13th Feb. 1846).  
Ashby v. Pratt—Sp. C.  
(Heard 27th April, 1846).  
Mompenny v. Dering—S. C.  
(Heard 5th May, 1846).

## FOR ARGUMENT.

Offer v. Windsor—D.  
Griffiths v. Pike—D.  
(To stand over at the request of parties until sp. case settled)  
Dean and Chapter of Ely v. Cash—Sp. C.  
(To stand over to amend case).  
Thal v. Bonney—Sp. C.  
(To stand over to amend pleadings).  
Wallis v. The Great Western Railway Co.—D.  
Pardee v. Price—Sp. C.

Mayor of Salford v. Ackers—D.  
Braham v. Wilkins—D.  
Henry v. Goldney—D.  
Ridsdale v. Morrell—D.  
Steadman v. Hookley—D.  
Nightingale v. Smith—Sp. C.  
Yeats v. Pulteney—D.  
Yeats v. Pollock—D.  
Torre v. West—D.  
Chantler v. Lindsey—D.  
Brindle v. O'Neill—D.  
Doe d. Lloyd v. Jones—S. C.  
v. Dons—S. C.  
Holford v. Crawshaw—D.  
Rigge v. Burbridge—D.  
Sedburton v. Michell—D.  
Price v. Woodhouse—D.  
Stride v. Waddy—D.  
Pilkington v. Cooke—D.  
Carr v. Andrews—D.  
Robinson v. Purday—D.  
James v. Crane—Sp. C.  
Holloway v. Page—D.

## PEREMPTORY PAPER.

To be called on the first Day of Term after the Motions, and to be proceeded with the next Day, if necessary, before Motions.

Benn v. Stockdale  
Stockdale v. Benn  
In re Benn and T. & J. Stockdale  
Sherwood v. Clark  
Parker v. Haines  
— v. Uphill

Parker v. Middleton  
— v. Harris  
Price v. Richardson  
Waller v. Blacklock  
Bahner v. Richmond  
Doe d. Stace v. Wheeler  
Ellis v. Hoxier

## EQUITY SITTINGS, TRINITY TERM, 9 VICT.

## Court of Chancery.

Before the LORD CHANCELLOR, at Westminster.

Friday..... May 22	Appeal Motions.
Saturday..... 23	Petition-day.
Monday..... 25	} Appeals.
Tuesday..... 26	
Wednesday..... 27	} Appeals.
Thursday..... 28	
Friday..... 29	{ (Petition-day).—Unopposed Petitions and Appeals.
Saturday..... 30	} Appeals.
Monday..... June 1	
Tuesday..... 2	} Appeals.
Wednesday..... 3	
Thursday..... 4	Appeal Motions.
Friday..... 5	{ (Petition-day).—Unopposed Petitions and Appeals.
Saturday..... 6	} Appeals.
Monday..... 8	
Tuesday..... 9	} Appeals.
Wednesday..... 10	
Thursday..... 11	{ (Petition-day).—Unopposed Petitions and Appeals.
Friday..... 12	Appeal Motions.

Such days as his Lordship is occupied in the House of Lords excepted.

## Vice-Chancellors' Courts.

Before the VICE-CHANCELLOR OF ENGLAND, at Westminster.

Friday..... May 22	Motions.
Saturday..... 23	Petition-day.
Monday..... 25	} Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Tuesday..... 26	
Wednesday..... 27	} Motions.
Thursday..... 28	
Friday..... 29	{ (Petition-day).—Short Causes, Petitions, and Causes.

Saturday..... 30	} Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Monday..... June 1	
Tuesday..... 2	
Wednesday..... 3	
Thursday..... 4	Motions.
Friday..... 5	{ (Petition-day).—Short Causes, Petitions, and Causes.
Saturday..... 6	} Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Monday..... 8	
Tuesday..... 9	
Wednesday..... 10	
Thursday..... 11	{ (Petition-day).—Short Causes, Petitions, and Causes.
Friday..... 12	Motions.

Before VICE-CHANCELLOR KNIGHT BRUCH, at Westminster.

Friday..... May 22	Motions and Causes.
Saturday..... 23	{ (Petition-day).—Petitions and Causes.
Monday..... 25	} Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Tuesday..... 26	
Wednesday..... 27	Bankrupt Petitions and Ditto.
Thursday..... 28	Motions and Causes.
Friday..... 29	{ (Petition-day).—Petitions and Causes.
Saturday..... 30	Short Causes and Causes.
Monday..... June 1	} Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Tuesday..... 2	
Wednesday..... 3	Bankrupt Petitions and Ditto.
Thursday..... 4	Motions and Causes.
Friday..... 5	{ (Petition-day).—Petitions and Causes.
Saturday..... 6	Short Causes and Causes.
Monday..... 8	} Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Tuesday..... 9	
Wednesday..... 10	Bankrupt Petitions and Ditto.
Thursday..... 11	{ (Petition-day).—Petitions, Short Causes, and Causes.
Friday..... 12	Motions and Causes.

Before VICE-CHANCELLOR WIGRAM, at Westminster.

Friday..... May 22	Motions and Causes.
Saturday..... 23	{ (Petition-day).—Petitions and Causes.
Monday..... 25	} Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Tuesday..... 26	
Wednesday..... 27	Motions and Ditto.
Thursday..... 28	{ (Petition-day).—Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Friday..... 29	} Short Causes, Petitions, (unopposed first), and Causes.
Saturday..... 30	
Monday..... June 1	} Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Tuesday..... 2	
Wednesday..... 3	Motions and Causes.
Thursday..... 4	{ (Petition-day).—Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Friday..... 5	} Short Causes, Petitions, (unopposed first), and Causes.
Saturday..... 6	
Monday..... 8	} Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Tuesday..... 9	
Wednesday..... 10	{ (Petition-day).—Short Causes, Petitions, (unopposed first), and Causes.
Thursday..... 11	} Motions and Causes.
Friday..... 12	

## COURT OF QUEEN'S BENCH.

May 22.—Lord Denman, C. J., delivered the judgment of the court in

Tanner v. Moore—Rule discharged.

Inskip v. Harper—Rule absolute for a new trial.

MASTERS IN CHANCERY.—The Lord Chancellor has appointed the following gentlemen Masters Extraordinary in the high Court of Chancery:—James Charles Calver, of Kenninghall, Norfolk; John Marsh Burd, of Okehampton, Devonshire; Charles Handley, of Warwick.

## London Gazette.

TUESDAY, MAY 19.

## INSOLVENT.

**WILLIAM DARNBROUGH**, Castle-terrace, Richmond, Surrey, tailor.

## BANKRUPTS.

**SAMUEL WHATLEY**, William-st., Lisson-grove, Middlesex, grocer, dealer and chapman, May 29 at 2, and June 30 at 11, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Simpson & Cobb, 62, Moorgate-street.—Fiat dated May 14.

**HENRY ELKINGTON**, Maida-hill East, Middlesex, chemist and druggist, May 26 and June 26 at 11, Court of Bankruptcy, London: Off. Ass. Belcher; Sol. Meyrick, 2, Fumival's Inn, Holborn.—Fiat dated May 15.

**ROBERT PERRY**, Brighton, Sussex, draper, dealer and chapman, May 30 at half-past 12, and June 20 at 11, Court of Bankruptcy, London: Off. Ass. Follett; Sols. Sole & Co., 18, Aldermanbury.—Fiat dated May 14.

**THOMAS WILLIAM GREEN STEVENS**, Bampton, Oxfordshire, hackney master, letter of horses for hire, dealer and chapman, May 28 at 11, and June 20 at half-past 11, Court of Bankruptcy, London: Off. Ass. Follett; Sols. Rose, Bampton; Close, St. Mildred's-court.—Fiat dated May 7.

**JAMES GORDON the younger**, East India-chambers, Leadenhall-street, London, and Albany-road, Camberwell, Surrey, ship and insurance broker, June 2 at half-past 2, and June 26 at 1, Court of Bankruptcy, London: Off. Ass. Groom; Sol. Ewbank, 3, South-square, Gray's Inn.—Fiat dated May 15.

**JAMES JOHN HANCE**, Liverpool, broker, dealer and chapman, May 29 at 12, and June 23 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sols. Pemberton, Liverpool; Cornthwaite & Co., Old Jewry-chambers, London.—Fiat dated May 8.

**THOMAS HARTLEY and ROBERT INGHAM**, Leeds, Yorkshire, stock and share brokers, dealers and chapmen, May 26 and June 15 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Nelson, Leeds; Nelson & Co., Gresham-place, Lombard-street, London.—Fiat dated April 16.

**THOMAS WALKER**, Leeds, Yorkshire, tallow chandler and soap dealer, dealer and chapman, June 4 and 23 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sols. Sanderson, Leeds, Yorkshire; Messrs. Rushworths, Staple Inn, London.—Fiat dated May 1.

**JOHN COOKE**, Cheltenham, Gloucestershire, auctioneer, dealer and chapman, June 5 and 26 at 12, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sol. Packwood, Cheltenham.—Fiat dated May 11.

**WILLIAM WONNACOTT**, St. James, Bath, Somersetshire, grocer, dealer and chapman, May 29 at 2, and June 30 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sol. Little, Bath.—Fiat dated May 14.

**GEORGE DANIEL FRENCH**, Stroud, Gloucestershire, cabinet maker and upholsterer, dealer and chapman, June 4 at half-past 1, and June 30 at 12, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sol. Cole, Tokenhouse-yard, London.—Fiat dated May 8.

**THOMAS BOTHAMS**, Nottingham, licensed victualler, dealer and chapman, June 8 and 24 at 1, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Wells, Nottingham; James, Birmingham; Sudlow & Co., Chancery-lane, London.—Fiat dated May 13.

**JOHN RUSSELL**, Kidderminster, Worcestershire, coal dealer, dealer and chapman, May 30 and June 30 at half-past 11, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sol. Brinton, Kidderminster.—Fiat dated May 13.

**SAMUEL DETHICK and THOMAS RICHARD KAY**, Newton-heat, near Manchester, Lancashire, common brewers, corn millers, dealers and chapmen, May 29 and June 22 at 1, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Woods & Jackson, Rochdale, Lancashire; Norris & Co., Bartlett's-buildings, Holborn, London.—Fiat dated May 1.

**JOHN FLETCHER CORBETT**, Worcester, scrivener, dealer and chapman, May 30 and June 30 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Motteram & Knowles, Birmingham.—Fiat dated May 14.

**JOHN RICHMOND HAYWARD**, Manchester, bookseller, stationer, dealer and chapman, May 29 and June 22 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Blair, Manchester; Johnson & Co., Temple, London.—Fiat dated May 11.

## MEETINGS.

*Christopher Blackmore*, Cork-st., Middlesex, tailor, June 10 at 2, Court of Bankruptcy, London, pr. d.—*Wm. Twiddle*, Liverpool, soap manufacturer, July 2 at 11, District Court of Bankruptcy, Liverpool, last ex.—*Lewis Reis*, *Jas. Power*, and *Gustavus Kenig*, Fenchurch-st., London, and Wandsworth, Surrey, merchants, June 9 at half-past 11, Court of Bankruptcy, London, and ac.—*John Chas. Barrett*, Strand, Middlesex, carver, June 9 at 1, Court of Bankruptcy, London, and ac.—*Rich. Ensoll*, Broad-st., Bloomsbury, Middlesex, draper, June 12 at half-past 11, Court of Bankruptcy, London, and ac.—*Thos. Thob*, Palace-row, New-road, Middlesex, cowkeeper, June 12 at half-past 11, Court of Bankruptcy, London, and ac.—*Wm. Herding*, Edwards-street, Portman-square, and James-street, Manchester-square, and Mary-le-bone, and Wigmore-st., Middlesex, tanner, June 12 at 11, Court of Bankruptcy, London, and ac.—*Wm. John Haddam*, Tottenham, Middlesex, brewer, June 10 at 12, Court of Bankruptcy, London, and ac.—*Rich. Childs*, Queen Anne-st., Cavendish-square, Middlesex, tailor, June 10 at half-past 11, Court of Bankruptcy, London, and ac.—*Charles Collins*, Kidderminster, Worcestershire, and King William-st. and Adelaide-place, London, yarn agent, June 10 at 11, Court of Bankruptcy, London, and ac.—*John Hawkins*, Hurst, Berkshire, butcher, June 10 at 12, Court of Bankruptcy, London, and ac.—*John Spaul*, Beer-lane, Lower Thames-st., London, wine merchant, June 11 at 11, Court of Bankruptcy, London, and ac.—*Thos. Buttermere Waller and J. Waller*, Ipswich, Suffolk, grocers, June 11 at half-past 2, Court of Bankruptcy, London, and ac.; June 15 at half-past 11, div.—*Wm. Lees*, Liverpool, merchant, June 9 at 12, District Court of Bankruptcy, Liverpool, and ac.—*Matthew Lewtas* the younger, Liverpool, merchant, June 9 at 12, District Court of Bankruptcy, Liverpool, and ac.—*Isaac Roberts*, Mold, Flintshire, grocer, June 9 at 12, District Court of Bankruptcy, Liverpool, and ac.—*Wm. Seddon and Francis Jordan*, St. Helen's, Lancashire, millers, June 9 at 12, District Court of Bankruptcy, Liverpool, and ac.—*Thomas Heppell*, Newcastle-upon-Tyne, timber merchant, June 9 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.; June 11 at 12, div.—*Jos. Taylor*, Middlesbrough, Yorkshire, coal fitter, June 11 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.—*J. Leech*, Newcastle-upon-Tyne, ironmonger, June 9 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.—*John Pearson*, Newcastle-upon-Tyne, fellmonger, June 9 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.; June 11 at 1, div.—*John Lilly*, Brine-pits, Duddershill, and Forrest, Habbury, Worcestershire, farmer, June 10 at 1, District Court of Bankruptcy, Birmingham, and ac. and fin. div.—*Robert Agers*, Kingston-upon-Hull, woollen draper, June 10 at 11, Court of Bankruptcy, Kingston-upon-Hull, and ac.; June 17 at 11, div.—*Mich. Agate*, Horsham, Sussex, grocer, June 12 at half-past 1, Court of Bankruptcy, London, fin. div.—*Thomas Clarkson* the younger, Charles-st., Middlesex Hospital, Middlesex, upholsterer's warehouseman, dealer and chapman, June 12 at 12, Court of Bankruptcy, London, fin. div.—*H. Hugh Foothead*, Fore-street, Cripplegate, London, wholesale milliner, June 11 at half-past 12, Court of Bankruptcy, London, div.—*William Ebrey*, Aldermanbury, London, silk dresser, June 11 at 12, Court of Bankruptcy, London, div.—*J. Linnit*, Argyll-place, Regent-street, Middlesex, goldsmith, June 9 at 1, Court of Bankruptcy, London, div.—*E. Shepherd Smith* and *John Stanley*, Liverpool, merchants, June 9 at 12, District Court of Bankruptcy, Liverpool, div.—*John Gibbons* and *Wm. Sherwood*, Liverpool, merchants, June 9 at 12, District Court of Bankruptcy, Liverpool, div.—*John Sugden* and *Wm. Gamble*, Liverpool, merchants, June 9 at 12, District Court of Bankruptcy, Liverpool, div. sep. est. of *J. Sugden*.—*Rich. Bulmer* and *Jos. Bulmer*, South Shields, Durham, ship

builders, June 12 at half-past 10, District Court of Bankruptcy, Newcastle-upon-Tyne, div. sep. est. *Jos. Bulmer*.—*Benjamin Sayle* and *Thos. Booth*, Sheffield, and Tinsley-park, Rotherham, Yorkshire, iron masters, June 12 at 11, Cutlers'-hall, Sheffield, div. joint and sep. est.

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on the Day of Meeting.*

*Robert Kimpton*, Crescent, Jewin-street, Cripplegate, London, jeweller, June 9 at 11, Court of Bankruptcy, London.—*James Martin*, Wood-street, Cheapside, London, fringe manufacturer, June 15 at 1, Court of Bankruptcy, London.—*John Hawkins*, Hurst, Berkshire, butcher, June 10 at 12, Court of Bankruptcy, London.—*John Charles Barratt*, Strand, Middlesex, carver, June 9 at 1, Court of Bankruptcy, London.—*Rich. Ensoll*, Broad-street, Bloomsbury, Middlesex, draper, June 12 at half-past 11, Court of Bankruptcy, London.—*T. Heppell*, Newcastle-upon-Tyne, timber merchant, June 9 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Wm. Mand*, Liverpool, licensed victualler, June 9 at 11, District Court of Bankruptcy, Liverpool.—*Sam. Cullen*, Nottingham, chymist, June 11 at 1, District Court of Bankruptcy, Birmingham.—*J. Wright*, Tamworth, Staffordshire and Warwickshire, scrivener, June 10 at 1, District Court of Bankruptcy, Birmingham.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before June 9.*

*William Walter Sanderson*, Great Russell-street, St. Paul, Covent-garden, Middlesex, baker.—*Geo. Dardier*, Liverpool, merchant.—*W. Jas. Harris*, High-street, Southwark, Surrey, tailor.—*J. T. Gibbons*, Eton, Buckinghamshire, grocer.

#### FIAT ANNULLED.

*John Elliott*, Brandon-hill, Bristol, coal merchant.

#### SCOTCH SEQUESTRATION.

*Miss Mary Robertson*, Witham, Essex, *Miss Jane Thompson*, Clapton, near London, and *Miss Isabella Steele*, Witham, Essex, carrying on business in Scotland, under the firm of The Duddingstone Coal Company.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*George Watts*, Marlborough-terrace, Old Kent-road, Surrey, clerk to a railway company, May 22 at 11, Court of Bankruptcy, London.—*T. Metcalfe*, Panderson's-gardens, Bethnal-green-road, Middlesex, wadding manufacturer, May 22 at 1, Court of Bankruptcy, London.—*John Glover*, Kennington-oval, Surrey, May 26 at 1, Court of Bankruptcy, London.—*T. Pagett*, Milner's-mews, Church-street, Paddington, Middlesex, carman, May 26 at 1, Court of Bankruptcy, London.—*George Cable*, Moulsham, Chelmsford, Essex, baker, May 26 at half-past 12, Court of Bankruptcy, London.—*Rosa Hamilton*, Walthamstow, Essex, governess, May 26 at half-past 12, Court of Bankruptcy, London.—*Charles Salmon*, Royston, Hertfordshire, out of business, May 26 at half-past 11, Court of Bankruptcy, London.—*T. H. Farley*, Richmond-st., Walworth, Surrey, clerk, May 22 at 1, Court of Bankruptcy, London.—*H. Mealon*, Warwick-st, Vauxhall-bridge-road, Middlesex, tobacconist, May 22 at half-past 12, Court of Bankruptcy, London.—*Charles Nuttalls*, Barlbro', Derbyshire, coal miner, May 25 at 12, District Court of Bankruptcy, Manchester.—*George Cawson*, Hulme, Manchester, butcher, May 28 at 12, District Court of Bankruptcy, Manchester.—*John Cross*, Spring-house, within Great Harwood, Lancashire, out of business, May 28 at 12, District Court of Bankruptcy, Manchester.—*Josiah Stansfield Fawthrop*, Manchester, small shopkeeper, May 28 at 12, District Court of Bankruptcy, Manchester.—*Jesse Tildesley*, Liverpool, butcher, May 26 at 12, District Court of Bankruptcy, Liverpool.—*W. Langham* the younger, Leamington-priors, Warwickshire, cabinet maker, May 25 at 1, District Court of Bankruptcy, Birmingham.—*James Dibble*, Bristol, out of business, June 9 at 11, District Court of Bankruptcy, Bristol.—*John William Cofer*, Bristol, physician, May 29 at 12, District Court of Bankruptcy, Bristol.—*David Rees* the elder, Goitrewn, Llanthoyssaint, Carmarthenshire, farmer, May 29 at 12, District Court of Bankruptcy, Bristol.—*Benjamin Scott*, Lyncombe and Widcombe, Bath, Somersetshire, gardener, June 5

at 11, District Court of Bankruptcy, Bristol.—*John Saughman*, Liverpool, licensed victualler, May 26 at 11, District Court of Bankruptcy, Liverpool.—*George Henney*, Stone, Staffordshire, farmer, May 27 at 12, District Court of Bankruptcy, Birmingham.—*James Jones*, Liverpool, pork dealer, May 23 at 12, District Court of Bankruptcy, Liverpool.

*Saturday, May 16.*

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*George Berrill*, Stoney Stratford, Buckinghamshire, watch maker, No. 39,029 C.; *Thomas Grundy*, new assignee, in place of *John Brettell*, deceased.—*James Saunders*, Carlisle, Cumberland, draper, No. 60,156 C.; *David Sykes*, new assignee, in place of *Michael Haigh*, deceased.—*James Austin Fowles*, Ilfracombe, Devonshire, out of business, No. 58,136 T.; *Wm. John West*, assignee.—*Robt Buckell* the younger, White Lion-street, Tooley-street, Southwark, Surrey, commercial traveller, No. 67,225 C.; *Wm. Wavell*, assignee.—*Robert Taylor*, Norwich, travelling linen draper, No. 67,227 C.; *Joseph Vickers*, assignee.—*Simon Smabridge Hore*, Radnor-street, St. Luke's, Middlesex, assistant to a beer-shop keeper, No. 58,039 T.; *G. M. McLeod*, assignee.

*Saturday, May 16.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Francis Butcher*, St. Mary-axe, London, licensed victualler: in the Debtors Prison for London and Middlesex.—*Jas. Crow*, Turnpin-lane, Greenwich, Kent, fishmonger: in the Queen's Prison.—*David Abraham Clashofsky*, Fort-street, Spitalfields, Middlesex, fancy trimming manufacturer: in the Debtors Prison for London and Middlesex.—*Geo. Langridge Williams*, Hartland-terrace, Kentish-town, Middlesex, brick maker: in the Debtors Prison for London and Middlesex.—*Wm. Skelton*, Gleadless, near Sheffield, Yorkshire, labourer: in the Gaol of York.

*(On Creditor's Petition).*

*Wm. Cooper*, Bury St. Edmund's, Suffolk, haberdasher: in the Gaol of Bury St. Edmund's.

#### MEETING.

*Louisa Bowes Morgan*, Knightsford-house, New Church, Carmarthenshire, spinster, June 4 at 12, Jones's, Carmarthen, sp. affairs.

**FRIDAY, MAY 22.**

#### INSOLVENT.

**JOHN WRIGHT**, Oxford-street, Middlesex, chemist and druggist.

#### BANKRUPTS.

**WALTER M'DOWALL**, Pemberton-row, Gough-square, London, printer, dealer and chapman, June 6 at 12, and July 3 at half-past 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Holme & Co., New Inn.—Fiat dated May 20.

**JOHN EDWARD BACON**, Upper Russell-st., Bermondsey, and Maismore-square, New Peckham, Surrey, leather factor, dealer and chapman, June 4 and July 4 at 11, Court of Bankruptcy, London: Off. Ass. Follett; Sol. Stenning, 31, Long-lane, Bermondsey.—Fiat dated May 20.

**ROBERT DALLINGER MARKHAM**, Bridport-hall, Silver-street, Edmonton, and Parade, Edmonton, Middlesex, boarding-house keeper, June 1 at 2, and July 6 at half-past 11, Court of Bankruptcy, London: Off. Ass. Turquand; Sol. Wells, Bell-yard, Doctors'-commons.—Fiat dated May 18.

**ALEXANDER BEATTIE** and **FRANCIS MACNAGHTEN**, Nicholas-lane, Lombard-street, London, merchants, (now or lately carrying on trade with Robert Arthur Fitzhardinge Kingscote and Atkinson Wilkin, under the firm of Beattie & Co.), June 10 at 11, and July 6 at 12, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Baxendale & Co., Great Winchester-st.—Fiat dated May 21.

**RICHARD KNIGHT** and **ALFRED KNIGHT** the younger, Budge-row, London, wholesale stationers, dealers and chapmen, May 28 at 2, and July 8 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Wilkinson, Nicholas-lane.—Fiat dated May 19.

**WILLIAM WHITE**, Morpeth-st., Bethnal-green, Middlesex, builder and brick maker, May 30 at 2, and June 25 at 11, Court of Bankruptcy, London: Off. Ass. Green; Sol. Manning, Craven-st., Strand.—Fiat dated May 11.

**JOHN BERRY**, Church-st., Paddington, Middlesex, draper, June 4 at 11, and July 4 at 12, Court of Bankruptcy, London: Off. Ass. Green; Sol. Ashley, 9, Shoreditch.—Fiat dated May 18.

**ALEXANDER THORN**, High Holborn, Middlesex, oilman and Italian warehouseman, dealer and chapman, June 2 at 11, and June 30 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Philp, 1, Great St. Helen's, Bishopsgate-street, and 27, Lower King-st., Bloomsbury.—Fiat dated May 19.

**JAMES PERRY**, Harlow, Essex, grocer and linen draper, dealer and chapman, June 9 and July 3 at 11, Court of Bankruptcy, London: Off. Ass. Groom; Sol. Jones, 15, Sise-lane, Bucklersbury.—Fiat dated May 20.

**MARY ARMISTEAD**, Crawford-st., Mary-le-bone, Middlesex, milliner and baby linen housewife, June 2 at 11, and June 30 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Philp, 1, Great St. Helen's, Bishopsgate-street, and 27, Lower King-st., Bloomsbury.—Fiat dated May 19.

**ANDREW VALENTINE LEAMAN** and **WILLIAM ANDREW**, Fenchurch-street, London, wholesale mahogany, rosewood, and deal merchants, dealers and chapmen, May 26 at half-past 1, and July 8 at 1, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Tilson & Co., 29, Coleman-street.—Fiat dated May 15.

**ROBERT HOWARD PAGE**, Great Yarmouth, Norfolk, innkeeper, dealer and chapman, June 2 at half-past 1, and July 9 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Brislley, 4, Pancras-lane, London.—Fiat dated May 11.

**JOSEPH HAYNES**, Aldermanbury, London, woollen warehouseman, dealer in fancy woollen cloth, and dealer and chapman, June 2 at 1, and July 9 at 1, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Norton & Son, New-st., Bishopsgate.—Fiat dated May 15.

**ANN ROBINSON**, Durham, linen and woollen draper, publican, dealer and chapwoman, May 29 at half-past 1, and July 7 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne; Off. Ass. Baker; Sols. T. & W. Chater, Newcastle-upon-Tyne: Bell & Co., Bow Church-yard, London.—Fiat dated May 11.

**EDMONDSON COOBAN**, Liverpool, common brewer, dealer and chapman, June 9 and 29 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Pemberton, Liverpool; Cornthwaite & Co., Old Jewry-chambers.—Fiat dated May 8.

**GEORGE JONES**, Totteth-park, Lancashire, builder, June 2 and 30 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Sols. Jones, Liverpool; Berkeley, Lincoln's-inn-fields, London.—Fiat dated May 15.

**THOMAS HITT HARVEY**, Weymouth and Melcombe Regis, Dorsetshire, cement and drain tile merchant, dealer and chapman, June 3 at 11, and June 25 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. Stone & Symonds, Dorchester; Stogdon, Exeter; Dangerfield, Chancery-lane, London.—Fiat dated April 28.

**PETER RHODES**, Manchester, cotton spinner, dealer and chapman, June 8 and June 24 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Hampson, Manchester; Gregory & Co., 1, Bedford-row, London.—Fiat dated May 18.

**JAMES EDWARDS**, Digbeth, Birmingham, iron founder, dealer and chapman, June 6 and July 4 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Hodgson, Birmingham; Vincent & Co., Temple, London.—Fiat dated May 18.

**WILLIAM TAYLOR**, Worcester, share broker and brewer, dealer and chapman, June 4 and July 4 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Motteram & Knowles, Birmingham; Smith & Co., Bedford-row, London.—Fiat dated May 20.

#### MARRIAGES.

*Daniel Stanton*, Bristol, grocer, June 8 at 11, District Court of Bankruptcy, Bristol, pr. d.—*J. Withers*, Bushey-heath, Bushey, Hertfordshire, dealer in sheep, June 16 at 1, Court of

Bankruptcy, London, and ac.—*Wm. Morphew*, Sevenoaks, Kent, linen draper, June 18 at 12, Court of Bankruptcy, London, and ac.—*Wm. Bell*, Fenchurch-street, London, merchant, June 12 at 1, Court of Bankruptcy, London, and ac.; June 19 at 12, div.—*Alexander Ross* and *John Ogilvie*, Argyll-street, Middlesex, army agents, June 12 at 11, Court of Bankruptcy, London, and ac.; June 17 at 12, div.—*Ann Martin*, Sturminster Newton, Dorsetshire, widow, linen draper, June 16 at 11, Court of Bankruptcy, London, and ac.—*Ans A. Innell* and *Alfred Cooke*, Little Queen-street, Holborn, Middlesex, varnish manufacturers, June 19 at 11, Court of Bankruptcy, London, and ac.—*Wm. Wingfield*, Masbrough, Rotherham, Yorkshire, common brewer, June 19 at 11, Cutlers'-hall, Sheffield, and ac.; at 12, div.—*Joseph Owen* and *Sarah Owen*, Sheffield, Yorkshire, merchants, June 19 at 11, Cutlers'-hall, Sheffield, and ac.; at 12, div.—*Wm. Neilson*, Liverpool, merchant, June 12 at 12, District Court of Bankruptcy, Liverpool, and ac.—*J. Ogle*, Esq., Pickwick, Wiltshire, and *W. Walton*, Liverpool, merchants, June 12 at 12, District Court of Bankruptcy, Liverpool, and ac. and div.—*J. Haselden*, Bolton-le-Moors, Lancashire, cotton spinner, June 16 at 12, District Court of Bankruptcy, Manchester, and ac.; June 17 at 12, div.—*C. M. Wilkinson*, Ulverston, Lancashire, wine merchant, June 15 at 12, District Court of Bankruptcy, Manchester, and ac.; June 16 at 12, div.—*Thomas Wren*, Preston, Lancashire, share broker, June 16 at 12, District Court of Bankruptcy, Manchester, and ac.; June 17 at 12, div.—*Richard Blacklocks*, Lydd, Kent, innkeeper, June 12 at 12, Court of Bankruptcy, London, div.—*J. C. Walton*, Halstead, Essex, ironmonger, June 13 at 1, Court of Bankruptcy, London, div.—*George Graham*, *Thomas Adams*, and *Mich. B. Macfarlane*, Chesapeake, London, calico printers, June 12 at 1, Court of Bankruptcy, London, div. sep. est. *G. Graham*—*George Dickinson*, South Portman-mews, Portman-square, Middlesex, furrier, June 16 at 11, Court of Bankruptcy, London, div.—*E. Butler*, Carrington, Basford, Nottinghamshire, iron merchant, June 28 at 11, Cutlers'-hall, Sheffield, first and fin. div.—*Josh Sugden* and *David Sugden*, Springfield, Kirkbampton, and Huddersfield, Yorkshire, fancy cloth manufacturers, June 16 at 11, District Court of Bankruptcy, Leeds, fin. div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*A. A. Innell* and *Alfred Cooke*, Little Queen-street, Holborn, Middlesex, varnish manufacturers, June 19 at 11, Court of Bankruptcy, London.—*Mich. Emanuel* and *Henry Emanuel*, Hanover-square, Middlesex, goldsmiths, June 16 at 1, Court of Bankruptcy, London.—*Edward Smyke*, Hill-street, Windmill-street, Finsbury, Middlesex, upholsters' fringe and lace manufacturer, June 17 at 11, Court of Bankruptcy, London.—*Joseph Hutchinson Hipwood*, Cornhill, London, merchant, June 17 at 11, Court of Bankruptcy, London.—*Wm. Buchanan*, Old Jewry-chambers, London, merchant, June 16 at half-past 1, Court of Bankruptcy, London.—*Wm. Newall*, Acton, Cheshire, sheep salesman, June 16 at 11, District Court of Bankruptcy, Liverpool.—*Geo. Jas. Jackson*, Liverpool, share broker, June 16 at 11, District Court of Bankruptcy, Liverpool.—*Michael Kelly*, Liverpool, provision dealer, June 15 at 11, District Court of Bankruptcy, Liverpool.—*Cooper Eubank*, Manchester, share broker, June 18 at 12, District Court of Bankruptcy, Manchester.—*W. Brown*, Manchester, cotton spinner, June 15 at 12, District Court of Bankruptcy, Manchester.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before June 12.*

*John Clark*, Crescent, Minorities, London, merchant.—*Ch. Jas. Baker*, City of London, warehouseman.—*Lewis Reis*, *Jas. Power*, and *Gustavus Kanig*, Fenchurch-st., London, and Wandsworth, Surrey, merchants.—*Thos. Tubb*, Palace-row, New-road, Middlesex, cowkeeper.—*John Meers*, Leeds, Yorkshire, grocer.—*Thos. Castle*, Newbury, Berkshire, horse dealer.—*Abraham France* and *Wm. Pullon Newton*, Leeds, Yorkshire, share brokers.—*John Hill*, Birmingham, carrier.—*Thos. Sleddon*, New-mills, Derbyshire, cotton spinner.—*John Coker*, Narford, Norfolk, timber dealer.—*Ric. Blacklocks*, Lydd, Kent, innkeeper.—*Edw. Jas. Eastwood*, City of London, warehouseman.—*Jas. Duke*, Newark-upon-Trent, plaster merchant.—*Hugh Cunningham*, Strand, Middlesex,



bookseller.—*Wm. Fred. Brewster*, Bath, Somersetshire, chemist.—*Geo. Perry*, Stroud, Gloucestershire, coach builder.

#### PLATS ANNULLED.

*Algernon Sparke*, Jewin-crescent, Jewin-st., London, wine and spirit merchant.—*Joe. Davis*, Cannon-st., and Fleet-st., London, and Baker-st., Portman-square, Middlesex, gun and pistol manufacturer.—*Wm. Sibley Alderton*, Chancery-lane, London, Middlesex, steel pen manufacturer.—*Chawcsey Robbins* and *Wm. Smith Martin*, Birmingham, merchants.

#### PARTNERSHIP DISSOLVED.

*John Hayward* and *John Broughall*, Oswestry, Shropshire, attorneys and solicitors.

#### SCOTCH SEQUESTERATIONS.

*Adam Prentice*, Airdrie, spirit dealer.—*Wm. M'Quaker*, Glasgow, hatter.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*John Edw. Green*, Whitecross-street, Cripplegate, London, house agent, June 11 at 11, Court of Bankruptcy, London.—*J. Hender Trevelton*, Wittam's-buildings, Old-st.-rd, Shoreditch, Middlesex, fancy card board box manufacturer, June 11 at half-past 11, Court of Bankruptcy, London.—*J. Samuel Story* the younger, Norton-street, Portland-place, St. Mary-le-bone, Middlesex, clerk to an attorney, May 28 at 11, Court of Bankruptcy, London.—*Charles Payne*, Bermondsey-street, Southwark, Surrey, shopman to a rag merchant, June 11 at half-past 11, Court of Bankruptcy, London.—*Wm. Bilett*, King's-road, Fulham, Middlesex, carpenter, June 11 at 11, Court of Bankruptcy, London.—*Wm. Shribbs*, Ipswich, Suffolk, carpenter, June 11 at 11, Court of Bankruptcy, London.—*H. Boddington*, Bishop's-terrace, Walcott-square, Surrey, commission agent, June 11 at 11, Court of Bankruptcy, London.—*Thos. Manning*, York-street, Crawford-street, Bryanston-square, Middlesex, grocer, May 30 at 3, Court of Bankruptcy, London.—*Rubens Pays Braine*, Charlotte-row, Walworth, Surrey, lodging-house keeper, June 4 at 11, Court of Bankruptcy, London.—*Henry Style*, Goulston-terrace, Islington, Middlesex, watch maker, June 4 at 11, Court of Bankruptcy, London.—*Joseph Stratton*, Devonshire-street, Lisson-grove, Paddington, Middlesex, pork butcher, June 4 at 11, Court of Bankruptcy, London.—*George Elson*, Calnstock-place, Bridge-road, Battersea, Surrey, chymist, June 4 at 12, Court of Bankruptcy, London.—*John Armstrong*, Brighton, Sussex, June 4 at 11, Court of Bankruptcy, London.—*John Huxon*, Pleasant-cottages, Loughborough New-park, Deinton, Surrey, bricklayer, June 11 at 11, Court of Bankruptcy, London.—*Alfred Wm. Rouse*, Bethnal-green-road, St. Matthew, Bethnal-green, Middlesex, chymist, June 11 at 11, Court of Bankruptcy, London.—*Rich. Lloyd*, Rochester, Kent, eating-house keeper, June 11 at 12, Court of Bankruptcy, London.—*Henry Summers*, Angel-street, St. Martin-le-Grand, London, stage coachman, June 11 at 11, Court of Bankruptcy, London.—*Charles Dod*, Vernon-square, Pentonville, Middlesex, out of business, June 11 at 12, Court of Bankruptcy, London.—*J. Arthur Sharpe*, Carey-street, Lincoln's-inn-fields, St. Clement Dances, out of business, May 25 at half-past 11, Court of Bankruptcy, London.—*G. Furniss*, Chichester-place, King's-cross, Middlesex, oil man, June 2 at 11, Court of Bankruptcy, London.—*E. Mills*, Walcot, Somersetshire, out of business, June 15 at 11, District Court of Bankruptcy, Bristol.—*Jas. Leonard*, Magor, Monmouthshire, farmer, June 11 at 11, District Court of Bankruptcy, Bristol.—*Thos. Peart*, Bradford, Yorkshire, fruiterer, June 4 at 11, District Court of Bankruptcy, Leeds.—*Wm. Clough*, Leeds, Yorkshire, beer seller, June 4 at 11, District Court of Bankruptcy, Leeds.—*George Westoby*, Kingston-upon-Hull, boot maker, June 3 at 11, District Court of Bankruptcy, Leeds.—*James Feather*, Midgholme, Haworth, near Keighley, Yorkshire, worsted spinner, June 4 at 11, District Court of Bankruptcy, Leeds.—*Joseph Booth*, Liverpool, licensed victualler, May 28 at 11, District Court of Bankruptcy, Liverpool.—*Wm. Newberry* the elder, Devonport, Devonshire, permit writer in her Majesty's Excise, June 2 at 11, District Court of Bankruptcy, Exeter.—*John Dale*, Idle, Calverley, Yorkshire, excavator, June 4 at 11, District Court of Bankruptcy, Leeds.—*Philip Withell*, Goodramham, Yorkshire, farmer, June 3 at 11, District Court of Bankruptcy, Leeds.—*Joseph Hoyle*, Halifax, Yorkshire, ma-

nufacturing chymist, June 4 at 11, District Court of Bankruptcy, Leeds.—*Sarah Bigwood*, Bath, Somersetshire, widow, out of business, June 4 at 12, District Court of Bankruptcy, Bristol.—*John Shattock*, Walcot, Bath, Somersetshire, attorney at law, June 11 at 11, District Court of Bankruptcy, Bristol.—*James Meredith*, Hay, Brecon, carrier, June 15 at 12, District Court of Bankruptcy, Bristol.—*T. Spallton Bailey*, Knowle, Hampton-in-Harden, Warwickshire, butcher, May 27 at 1, District Court of Bankruptcy, Birmingham.—*Joseph Green*, Leeds, Yorkshire, house agent, May 26 at 11, District Court of Bankruptcy, Leeds.—*W. T. White*, Bradford, Yorkshire, grocer's assistant, May 26 at 11, District Court of Bankruptcy, Leeds.—*G. Causfield*, Undercliffe, Bradford, Yorkshire, inn-keeper, May 26 at 11, District Court of Bankruptcy, Leeds.—*Wm. Robinson*, York, joiner, May 26 at 11, District Court of Bankruptcy, Leeds.—*Wm. Bentley*, Birstall, Yorkshire, carpenter, May 26 at 11, District Court of Bankruptcy, Leeds.

Wednesday, May 20.

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Leighton Powell Sabery*, Clark-st., Stepney, Middlesex, clerk in the Comptroller's Department of the Customs, London: in the Queen's Prison.—*Hen. Sam. Butler*, Somers'-place East, New-road, Somers'-town, Middlesex, carpenter: in the Debtors Prison for London and Middlesex.—*Samuel Nicholas Cooper*, Ratland-st., Hampstead-road, Middlesex, solicitor: in the Queen's Prison.—*J. Thos. Howling*, High-st., Poplar, Middlesex, shopman to a china dealer: in the Debtors Prison for London and Middlesex.—*Francis Ullathorne* the younger, Penton-grove, Pentonville, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Jas. A. Lamb*, Tavistock-st., Covent-garden, Middlesex, licensed victualler: in the Debtors Prison for London and Middlesex.—*Hen. Bradbury*, Lauris-terrace, St. George's-road, Southwark, Surrey, dentist: in the Gaol of Surrey.—*Joe. Bass*, Vauxhall-bridge-road, Westminster, out of business: in the Debtors Prison for London and Middlesex.—*J. Slater*, Upper St. George's-place, Albany-road, Surrey, out of business: in the Debtors Prison for London and Middlesex.—*F. Barnes*, Castle Shaw, near Delph, in Saddleworth, Yorkshire, weaver: in the Gaol of York.—*Jas. Waddington*, Preston, Lancashire, out of business: in the Gaol of Lancaster.—*R. Holmes*, Birstal, near Leeds, Yorkshire, tallow chandler: in the Gaol of York.—*Hen. Edward George Teasdale*, Durham, grocer: in the Gaol of Durham.—*Jasper Barnsh*, Stokesley, Yorkshire, out of business: in the Gaol of York.—*J. Jowett*, Clayton, near Bradford, Yorkshire, stuff manufacturer: in the Gaol of York.—*Hen. Harvey*, Hereford, saddler: in the Gaol of Hereford.—*Jas. Balme*, Hoyle Bottom, Warley, near Halifax, Yorkshire, wool sorter: in the Gaol of York.—*Hen. Moorhead*, Ecclesfield-common, Yorkshire, farmer: in the Gaol of York.—*Alex. Riley*, Holbeck, near Leeds, Yorkshire, shoemaker: in the Gaol of York.—*Jas. Walker*, Gomersal, near Leeds, Yorkshire, woollen spinner: in the Gaol of York.—*Jas. Wharrie*, Otley, Yorkshire, clock maker: in the Gaol of York.

*(On Creditor's Petition).*

*Mary Smith*, Gains, Whitehaven, Cumberland, widow: in the Gaol of Carlisle.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Friday, June 5, at 9.*

*Thos. Emanuel Freethy*, Iwer, Buckinghamshire, licensed retailer of beer.—*J. Whaitman Philpott*, Cutler-st., Houndsditch, London, hat manufacturer.—*Fred. Starley*, Cross-st., Islington, Middlesex, attorney's clerk.—*Emilie Baldassar Vincense Covarint*, Oxendon-st., Haymarket, manager of a dining-house keeper's business.—*Robt. Jos. Hastings*, Great Litchfield-st., Oxford-st., Middlesex, carpenter.

June 6, at the same hour and place.

*Chas. Wm. Dexter*, Duke-st., West Smithfield, London, brace maker.—*Alex. Edwards*, Bethnal-green-road, Middlesex, tin plate worker.—*Wm. Lawrence Browne*, Robert-st., King's-road, Middlesex, clerk in the General Post-office.—*Thos. Smith*, Mary-st., Hampstead-road, Middlesex, auctioneer.

June 8, at the same hour and place.

*Francis Butcher*, St. Mary-axe, London, licensed victualler.

—*J. Hicks*, Wormwood-st., Bishopsgate, London, chimney sweeper.—*Robt. Wilby*, Moor-st., Soho, Middlesex, licensed victualler.—*Esra Washington Burrows*, Swinton-st., Gray's Inn-road, Middlesex, civil engineer.—*Wm. Burton*, Bow-lane, Cheapside, London, cheesemonger.—*Chas. Stone*, Croes-st., Blackfriars-road, Surrey, carpenter.

## MEETINGS.

*Wm. Trehowan*, Kingsand, Devonshire, fisherman, June 2 at 11, Court-house, Lincoln's-inn-fields, London, pr. d.—*Sam. Hewes*, Hitchin, Hertfordshire, corn dealer, June 8 at 12, Galsworthy & Nichols's, 9, Cook's-court, Lincoln's Inn, Middlesex, sp. aff.

**SOCIETY FOR PROMOTING the AMENDMENT of the LAW.**—A PUBLIC MEETING will be held on Saturday, the 6th of June, at 3 o'clock, at the Society's Rooms, when the attendance of all Persons who feel interested in the important Object of the Amendment of the Law in any of its branches is earnestly requested. The Lord BROUGHAM in the Chair. 21, Regent-street.

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# The Jurist

No. 490—VOL. X.

MAY 30, 1846.

PRICE 1s.

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LONDON, MAY 30, 1846.

An important addition has recently been made to the law of copyright by the Court of Exchequer, in its judgment in *Chappell v. Purday*, (14 Mee. & W. 303). Upon the facts of the case two questions were raised: first, whether, at common law, a foreigner residing abroad, and composing a work, has a copyright in England; and, secondly, whether such foreign author or his assignee has such a right by virtue of the English statutes. The question, whether copyright existed at common law, will be found discussed in the great cases of *Millar v. Taylor* (4 Burr. 2303) and *Donaldson v. Beckett*, (Id. 2408; 2 Bro. P. C. 129). In the former of these, it was held by Lord Mansfield, Mr. Justice Aston, and Mr. Justice Willes, that it did exist; and, in the latter, the majority of the judges were of the same opinion; but they held also, that it was taken away by the statute of Anne. The majority were likewise of opinion, that, by the common law, the author had the sole right of printing and publishing in perpetuity. If, therefore, the common law right extended to foreigners, they would, unless also affected by the statutes, have now a greater right than English subjects.

The rule, that, at common law, an author had the sole right of printing and publishing his work, is so vague, that a foreigner might or might not be included; and, in order to decide the first question raised in *Chappell v. Purday*, it became necessary to ascertain precisely what was meant by the term "common law." In the cases we have referred to, the Court of Exchequer have come to the conclusion, that the right did not extend to foreigners. They were "all of opinion that no such right exists in a foreigner at the common law, but that it is the creature of the municipal law of each country, and that in England it is altogether governed

by the statutes which have been passed to create and regulate it, as in France it must be governed by the law of that country; but such a law has no extra-territorial power, and cannot be enforced beyond the limits of the estate. Admitting, therefore, that, by the law of France, no one can, against or without the consent of the author, make or print any copy of his work at any time or in any place, no right can be claimed in this country as founded upon such a law, nor can any right be claimed here except what can be supported by the law of this country. The subjects of this country are not bound to obey such a law of France, nor the courts of this country to enforce it. It follows, that a British subject may, at the common law, freely print and publish in Great Britain any number of copies of a French work, without being exposed to an action at the suit of the French author, whose exclusive privilege, founded upon the French law, is limited by the French territory; and, indeed, if this were not so, the attempt to establish international copyright by treaty would have been altogether unnecessary."

The expression, that no such right exists in the foreigner at common law, but that it is the creature of the municipal law of each country, and that in England it is altogether governed by the statutes which have been passed to create and regulate it, seems at variance with the doctrine in the old cases, that the right did exist at common law; and we think the recent decision, as far as regards the first question, does, in reality, conflict with those cases. By the common law, the judges who decided them must have meant the common municipal law, for none other was applicable to the case before them. And, although copyright be the creature of the municipal law of each country, it does not necessarily follow that it cannot exist in a foreigner. The right of property in goods or other per-

sonal estate in this country, the right to sue on a contract made here, are both of them, we apprehend, creatures of the common law, and yet a foreigner may acquire such rights without having ever been in this country. That copyright is a creature of the municipal law, proves nothing: the same law which gives the right to a subject, may prescribe that the foreigner may have it also; for it cannot be denied, that, by the municipal law, a foreigner may have some rights.

The Court of Exchequer appear to have confounded municipal law with statute law. They say that copyright is the creature of the municipal law of each country, and in England is altogether governed by the statutes which have been passed to create and regulate it, and, therefore, it cannot exist in a foreigner; but this is beside the first of the questions then before them. That question was, whether the right which existed independently of the statutes, and was the creature, so to express it, of the unwritten municipal law, extended to foreigners. Do they deny that such a right ever existed? It would seem so; for, instead of deciding the question arising upon it, they have held that the common law does not give to the foreigner any interest in the right which has been created and regulated by the statutes; for such their judgment will be found to be on an attentive perusal. And the distinction is important; for if the foreigner before the statutes had the same right as an English subject, that right, as we said before, must either still exist, or the statutes must be held to have applied to the right of the foreigner as well as the right of the subject, and to have created and regulated, to use the words of the Court of Exchequer, a new right for the one as well as the other.

We have made these observations because the court seems somewhat hastily to have dismissed the branch of the question to which they relate, and not, as they say, feeling any difficulty upon it, to have founded their judgment upon reasoning which will not bear the test of examination.

The second question they had to decide was, whether a foreigner residing abroad and publishing a work there has a copyright in it in this country by the statute law. "If," they say, "a judicial construction had been put on these statutes by a direct and deliberate decision of any court, we should feel bound by it; but, supposing for the present that there is no such decision, and that the question comes now to be considered for the first time, we should feel no difficulty as to the proper construction to be put upon these statutes. They were passed for the encouragement of learning and the arts, by ensuring to authors, artists, and inventors the reward of their labours. In their language the arts are general, but *prima facie* it must be intended that a British Legislature means only to protect British subjects, and to foster and encourage British industry and talent; and, therefore, when statutes of the United Kingdom speak of authors and inventors, they mean authors and inventors being subjects of and residents in the United Kingdom, or, at least, subjects by birth or residence, and do not apply to foreigners resident abroad."

This seems very bad reasoning. The encouragement

of learning and the arts surely embraces a wider scope than the protection of British subjects, and fostering and encouraging British industry and talent. The Barons of her Majesty's Exchequer appear to be behind the rest of the world, and not, judicially at least, to be aware that British industry and talent is not necessarily fostered by protection. What follows, though technical, is, perhaps, more to the purpose; "and," they continue, "adverting principally to the statutes of the 8 Anne, and 54 Geo. 3, their provisions clearly refer to such works as are first published in Great Britain or the United Kingdom, from which first publication the time begins to run within which an entry is (under the 2nd section of the former statute, and under the 5th section of the latter) to be made at Stationers' Hall, in order to the recovery of penalties, and within twelve months after which publication copies are to be delivered by the publisher to the British Museum and other libraries." And, therefore, they conclude, upon the construction of the statutes alone, that a foreign author has no copyright.

The judgment then proceeds to examine into the cases which had been decided upon the subject, the result of which seemed to be, that, if a foreign author, not having published abroad, first publishes in England, he may have the benefit of the statutes, (which, we may observe in passing, is at variance with the protection of British industry), but that no case had decided, that, if the author first published abroad, he could afterwards have the benefit of it by first publishing here. It then adverts to the 4 Geo. 3, c. 107, and the 2 Vict. c. 59, International Copyright Act; but, as it is admitted that the argument to be derived from these is not very cogent, we need not further notice it.

Upon the whole, then, say the court, "We think it doubtful, whether a foreigner not resident here can have an English copyright at all; and we think he certainly cannot, if he has first published his work abroad before any publication in England." Such is the decision of the Court of Exchequer, which, as to the last branch of it, however, is now of little importance, as the 1 & 2 Vict. c. 59, the former International Copyright Act, and the 7 & 8 Vict. c. 12, the present, give her Majesty power, by order in Council, to direct that authors of works first published in foreign countries shall have a copyright therein in this country, and enact, that such authors shall not have any copyright otherwise than such as they may become entitled to under those acts.

#### COURT OF QUEEN'S BENCH.

*May 26.*—Lord Denman, C. J., delivered the judgment of the court in the following cases:—

*Doe d. Molesworth v. Sleeman*—Rule absolute for new trial.  
*Lowe v. Penn*—Rule absolute for new trial.  
*Williams v. Stiven*—Rule absolute to enter a verdict on the fourth issue.

*May 29.*—Patteson, J., delivered the judgment of the court in the following cases:—

*Harrold v. Whitaker*—Judgment for plaintiff.  
*Giles v. Giles*—Judgment for defendant on the issue on the second plea. Judgment for plaintiff on the issue on the third plea.

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(Continued from p. 199).

### POWER OF LEASING.

*Right of Re-entry not given in the manner required by the Power.*—Where a power of leasing requires that the usual covenants shall be inserted in the lease, with a condition of re-entry "for non-performance of the covenants therein to be contained," and the lease contains a general covenant to repair and keep in repair, but, by the clause of re-entry, the right to re-enter is not, in general terms, in case the lessee shall not repair, but in case the lessee shall not repair "within six calendar months next after notice;" there, the lease is not in compliance with the power. *Doe d. Lord Egremont v. Burrough*, 6 Adol. & Ell. 229.

*Comprising in the Lease Lands not within the Power.*—If a lease, under a power of leasing at the accustomed rents and heriots, purports to demise, at one entire rent, lands not within the power, together with the lands which are within the power, the lease is bad as to the lands within the power, although the rent and heriots are in proportion to the rent and heriots previously reserved on all the lands; but, against a party claiming as heir to the lessor, the lease is good as to the lands which are not within the power, and of which the lessor is seised in fee. *Doe d. Lord Egremont v. Stephens*, 6 Adol. & Ell. 208.

*Comprising in one Lease Lands before let separately.*—In the case of a lease under a power of demising, for lives or for years determinable on lives, any part of the lands "usually so leased," the joining of lands in the same lease which were usually let separately is not at variance with the power, for the words "usually so leased" apply to the duration of the lease. *Id.*

*Clause as to Waste.*—Where a lease is made under a power which provides that no clause shall be contained in the lease allowing the lessee to commit waste, and the lease contains a stipulation that the lessee shall build a new house, and that he may pull down an outhouse, and use the materials in building the new house; such a stipulation, in the absence of proof that this conversion would diminish the value of the property, does not amount to a clause giving power to the lessee to commit waste, within the meaning of the leasing power. *Id.*

*What are "usual and reasonable Covenants."*—Where a power of leasing provides that the lease shall contain all "usual and reasonable covenants," the general rule is to determine the question of what are usual covenants by reference to the lease in existence at the date of the power. And where a lease of copyholds, which was in existence at the date of a power of leasing those copyholds, or, if that be lost, a lease immediately preceding that lease, contains a stipulation that the lessee shall do suit to a certain mill belonging to the lord of the manor, by grinding his corn there, and the lease made in execution of the power does not contain a similar stipulation, it is void. On the other hand, if a lease of other property, even within the same manor, which was in existence at the date of the power, and was created by the author of the power, does not contain such a stipulation, the lease made in execution of the power will not be avoided by the absence of a similar stipulation, although the leases prior to the last do contain that stipulation; at all events, where they comprise other property besides that which was comprised in the last lease. *Id.*

### RAILWAY SHARES.

*Right of Legatee of Railway Shares to new Shares, and Liability to pay the Calls.*—Where a testator, possessed of a certain number of railway shares, bequeaths a part of them, and declares that the legacy thereof shall not be deemed specific, so as to be capable of ademption, and that if he should not have a sufficient quantity of such shares to answer such legacy, the deficiency shall be raised out of his estate, for the benefit of the legatee thereof; and, after the death of the testator, new shares are allotted to the executors in respect of the original shares; the legacy of the original shares is specific, except in regard to the two particulars mentioned by the testator; and, therefore, the income of such shares passes with them, and the new shares belong to the legatee of the original shares, but subject to the liability to pay the calls in respect of the original shares. *Jacques v. Chambers*, 10 Jur. 151—V. C. B.

### REMOTENESS.

*Limitation over on Failure of Issue—Force of the word "Survivor."*—Where a testator bequeaths the residue of his personal estate to two persons, equally to be divided between them, in case they are both living at the time of his decease; but, if either of them should happen to die before him, or at any time after, without issue, then he bequeaths the share of the one so dying without issue to the survivor of them: in such case, if one dies in the lifetime of the other, without having had issue, the latter will take the whole; for the word "survivor" is here used in its proper sense, and not in the sense of the word "other," and the limitation over is not void for remoteness. *Turner v. Frampton*, 10 Jur. 25—V. C. B.

*See "Perpetuity."*

### SETTLEMENT.

*Apparently Voluntary, but in reality for valuable Consideration, and good against Creditors.*—A deed which is apparently voluntary may be shewn by extrinsic evidence to have been made for valuable consideration, and may be supported, as such against creditors. And where a will is invalid as to real estate, and of doubtful validity as to personal estate, for want of being attested, but the heir-at-law and next of kin agree to give up part of the property in order to effectuate the intentions of the testator in favour of a married woman, upon condition that the property so given up shall be settled upon her and her children, and it is so settled accordingly; the settlement is founded on valuable consideration, and, though it be executed shortly before the bankruptcy of the husband, it is good against his creditors. *Pott v. Todhunter*, 2 Coll. 76. In this case the agreement as to the settlement was made three years before the husband's bankruptcy.

### SHIP.

*Right to a Cargo disputed between the Charterers and the Owners of a Ship.*—Where a ship is chartered to take from the factor of the charterers a certain cargo, and the factor fails to procure more than a small proportion of the intended cargo, and leaves the port, and the master of the ship, being also a partowner thereof, after waiting a reasonable time, (a month, for instance), and seeing no probability of obtaining any more from the factor, completes the cargo by his own exertions and at his own expense, the charterers are not entitled to that part of the cargo which was procured by him without the assistance of the factor, and to which the master claims to be entitled on behalf of himself and the other owners of the vessel. *Lidgett v. Williams*, 4 Hare, 456.

SOLICITOR AND CLIENT—*See "Debtor and Creditor."*

## SPECIFIC PERFORMANCE.

*Bond by a Tenant for Life with the Reversion in Fee in himself, conditioned for granting a Lease "subject to such Covenants as were usually inserted in Leases by him."*—Where a tenant for life, with remainder to his sons in tail, with the reversion in fee in himself, has a power of granting leases for ninety-nine years in possession, and he, when all probability of his having issue has ceased, and when he may reasonably consider himself to be virtually tenant in fee simple, gives a bond conditioned for the granting, upon the expiration of a subsisting lease, a fresh lease for ninety-nine years, at a certain rent, "subject to such covenants as were usually inserted in leases by him," and, on the expiration of such subsisting lease, subsequently to his death without issue, the obligee is let into possession of the premises comprised in the bond, and for some years pays the rent specified in the bond; the court will regard the bond as evidence of a binding agreement for a lease on the terms therein mentioned, and will decree a complete specific performance of the agreement so made and partly performed, directing an inquiry as to what are the covenants which were usually inserted in leases granted by the obligor. *Butler v. Powis*, 2 Coll. 186.

## STAMP.

*Stamp on a Bond given to a Banking Company.*—Where a bond is conditioned for the payment to a banking company of all such sums, not exceeding in the whole a certain amount, which from time to time shall be owing from the obligor to the company on the balance of his account current, together with such interest and commission as shall be due to the company; an ad-valorem stamp on the amount which is fixed as the limit to the advances to be secured is sufficient. For a bond so conditioned does not come within the clause in the stat. 55 Geo. 3, c. 184, sched., part 1, tit. "Bond," which imposes a stamp of 25*l*. on all bonds for the repayment of money lent, advanced, or paid, or which may become due on an account current, where the total amount of the money secured is uncertain and without limit; for, interest and commission do not come within the words "repayment of money lent, advanced, or paid, or due on an account current;" and the total amount of the principal is not "without limit." *Frith v. Rotherham*, 10 Jur. 208—Exch. By this case *Dickson v. Cass* (1 B. & Adol. 343) is overruled.

*Stamp on a Transfer of a Mortgage for a Term, with a Conveyance of the Fee, as a new Security.*—Where, on a transfer of a mortgage for a term, and a further advance, the reversion in fee is conveyed to the transferee of the mortgage, an ad-valorem stamp in respect of the further advance, and stamps for progressive duty, are not sufficient; for the conveyance of the fee creates a new security, in respect of which a deed stamp at the least is necessary. *Brown v. Pegg*, 6 Adol. & Ell. 1.

## STATUTE 11 GEO. 4 &amp; 1 WILL. 4, c. 47, s. 12.

*Conveyance in Fee by a Tenant for Life under a Decree for Sale for Payment of Debts.*—Where a testator devises real estate to trustees, upon trust to convey it, subject to his debts, to another person, on marriage, in strict settlement, and they convey it accordingly, such person is within the statute 11 Geo. 4 & 1 Will. 4, c. 47, s. 12, which enacts, that, where lands devised shall be liable to the payment of the debts of the testator, and "by such devise shall be vested in any person for life or other limited interest," with any gift over, which may not be vested, or may be vested in some person from whom a conveyance cannot be obtained, the Court of Chancery may direct such person to convey the whole interest to a purchaser; for, in the case supposed, the lands are vested in the prior taker

mediately by devise, though immediately by a deed of settlement. *Cheese v. Cheese*, 15 Law J. 28—V. C. E.

## STATUTE OF LIMITATIONS.

*Bar of Portions raisable by means of a Term.*—The statute 3 & 4 Will. 4, c. 27, s. 4, has no application to a case between the trustee of a term created for raising portions and the cestui que trust; because the trustee does not hold adversely to the cestui que trust, but for their benefit. *Young v. Lord Waterpark*, 10 Jur. 1—L. C.

*Arrears of an Annuity charged on Land.*—Where an estate is devised to a person beneficially, subject to, and charged with, an annuity, he becomes liable to the annuitant, but does not stand in a fiduciary character with respect to him; so that such person is not a trustee within the 25th section of the Statute of Limitations, (3 & 4 Will. 4, c. 27); and, therefore, the annuitant is only entitled to recover six years' arrears of the annuity, according to the 42nd section of that act. *Francis v. Grover*, 15 Law J. 99—V. C. W.

*Recovery of Court-rolls.*—Where an ecclesiastical corporation, lords of a manor, grant a lease thereof for lives, and deposit the court-rolls with the lessee, and they are not delivered up after the expiration of the lease; the Statute of Limitations may be pleaded to a bill for the discovery and delivery of them, if there has been a lapse of more than twenty years from the expiration of the lease, without any intermediate acknowledgment of the right of the lords by the lessee or his representatives. *Dean and Chapter of Wells v. Dodington*, 2 Coll. 73.

See "Partnership."

STATUTE OF USES—See "Married Women."

## SURVIVORSHIP.

*Necessity of surviving a prior taker.*—Where a testator devises real estate upon trust for a person for life, and, after her decease, upon trust to sell, and pay the proceeds among all his nephews and nieces, and the survivors and survivor of them, share and share alike, to be paid them respectively as they attain the age of twenty-one years or day of marriage; the property is divisible among those only who survive the tenant for life. *Williams v. Tarrt*, 2 Coll. 85.

See "Legacies."

## TENANCY BY THE CURTESY

*of an equitable Interest not precluded by a Dissaisin.*—The possession of a cestui que trust under a settlement is the possession of the trustee, and gives the trustee a seisin of the estate, which is not interrupted by the death of the cestui que trust, but on that event immediately enures to give an equitable seisin to the person next entitled to the equitable freehold interest; and if such person is a married woman, and such equitable interest is in fee, her husband is entitled to an estate by the curtesy, even though the equitable seisin is almost immediately afterwards taken away by the adverse entry and possession of another person. *Parker v. Carter*, 4 Hare, 400.

## TENANT FOR LIFE.

*Right to get Stone out of Quarries.*—Where an estate is devised in strict settlement, with liberty to each tenant for life in succession to get stone for buildings and repairs upon the premises, but for no other purpose whatsoever; and, in another part of the will, the testator recites that he had restrained, and he did thereby intend to restrain, each tenant for life from getting any stone upon the premises, or any part thereof, save for buildings and repairs; the former clause,

considered apart from the latter, is purely enabling, so far as it goes, giving permission to get stone for certain purposes, even out of quarries not open at the testator's death; whereas, without such clause, the tenants for life would only have been entitled to take stone out of open quarries within a certain limit. But the latter passage shews that the former was intended to be restrictive as well as enabling; so that, whilst it enables the tenants for life to open quarries for the purposes specified, it prohibits them from taking stone, even from open quarries, for any other purposes than those. *Ferrand v. Wilson*, 15 Law J. 41—V. C. W.

#### TRUST.

**Acknowledgment of a Trust the Origin of which is unknown.**—If a person acknowledged that a sum of money deposited by him with another was held by him in trust for a third person, and, on the insolvency of the depositor, and on account of the loss occasioned thereby, the depositor gives to such third person a promissory note for that amount "for value received," and pays interest thereon up to the time of his decease, such third person will be entitled to that amount out of the personal estate of the depositor, the maker of the note, although the origin of the trust is unknown, provided there is no evidence to rebut the presumption of a trust; because the circumstances above mentioned make a *prima facie* case of trust, and this not being displaced or met, the proper conclusion is, to treat the note as given under a correct and well-founded belief, on the part of the maker thereof, that he had become liable in equity to make good the sum deposited and lost, and, therefore, as a note given for value. *Burkitt v. Reason*, 10 Jur. 193—V. C. B.

#### TRUSTEE.

**Right to a general Release on transferring the Trust Fund to the Cestui que Trust.**—Where a trustee pays or transfers a trust fund to his cestui que trust, the cestui que trust is not bound to execute a general release by deed; but he is bound either to give the trustee a receipt not merely for the amount of the fund transferred or paid to him, but a receipt in full of all demands against the trustee in respect of the trust, or else to ask to have the accounts taken; and, therefore, if the cestui que trust refuses to give anything more than a receipt for the particular amount offered to be transferred or paid to him, and files a bill to have it so transferred or paid, the court will direct a general account to be taken, though no account be prayed, and no open unsettled account be suggested by the answer, unless the cestui que trust will receive the particular amount offered in full of all demands against the trustee in respect of the trust. *Chadwick v. Heatley*, 2 Coll. 137.

**Indemnity against Liability before Loss.**—A trustee who is threatened with an action, and is *prima facie* liable as legal owner, is not obliged to wait until such liability is actually enforced against him, before he can file a bill against his cestui que trust for an indemnity. *Phens v. Gillon*, 15 Law J. 65—V. C. W.

**Negligence in allowing Exchequer Bills to remain in a Broker's Possession, undistinguished from other Property.**—Where a trustee, who is directed by the instrument creating the trust to invest trust monies in the stocks or on real security, instructs his brokers, who also act to some extent as bankers, and had the confidence of the author of the trust, to invest the trust monies to a considerable amount in Exchequer bills, and, for more than a year, during the interval which elapses before a mortgage security is found and approved of, he allows the Exchequer bills to remain in the possession and under the control of the brokers, undistinguished from other property in their possession;

he is liable for the loss occasioned by the fraud of the brokers, if they sell the Exchequer bills, and appropriate the proceeds to their own use, and afterwards fail; for he ought either to have kept the bills in his own hands, or distinctly to have separated them from the other property in the possession of the brokers. *Mathew v. Brice*, 15 Law J. 39—L. C.

#### UNCERTAINTY—See "Legacies."

#### VENDOR AND PURCHASER.

**Reserved Bid.**—Where the particulars of sale do not state either that the sale is to be without reserve, or that the vendors intend to employ a person to bid on their behalf, and they privately instruct a person to bid up to a certain amount, and he does so accordingly, but one of the bidders bids considerably more than that amount, and becomes the purchaser, and it does not appear that, in so doing, he was misled by any confidence he placed in the other person's judgment, he will be obliged to complete the purchase. *Woodward v. Miller*, 15 Law J. 6—V. C. B. In this case, the defendant, in his answer, alleged that the auctioneer had stated in the auction-room that the premises were to be sold without reserve. But the person employed to bid for the vendors stated, in his evidence, that the auctioneer only said that the sale was to be a *bona fide* one, and that, if there were any puffers in the room, he should hate himself. And hence the allegation of the defendant was not held to form any additional ground of defence.

**Necessity of producing and proving the Ownership of a surrendered Lease, on a Sale of Leaseholds for Lives.**—Where leaseholds for lives are contracted to be sold, and the lease under which they are held states that it was granted in consideration of the surrender of a former lease, the vendor, in the absence of any express stipulation upon the point, is bound not only to produce such former lease, but also to shew, that, at the time of the surrender, it belonged absolutely, as well in equity as at law, to the person who surrendered it and took the new lease, although it be necessary for that purpose to carry back the title more than sixty years; for the new Statute of Limitations does not shorten the period for which titles are to be deduced. *Hodgkinson v. Cooper*, 10 Jur. 39—M. B. In this case, the subsisting lease was granted in 1815, and the former lease in 1769.

**Action for Use and Occupation, where a good Title cannot be made.**—Where a person contracts for the purchase of land, and agrees to pay interest in case of his default in payment of the purchase-money on a certain day, and is let into possession and treated as purchaser by the vendor, but is prevented from completing the purchase from the want of a good title, he is not liable at law to the payment of any rent in respect of the use and occupation of the land; because, after treating him as purchaser, the vendor cannot convert him into an occupier, liable to pay for his occupation, by his (the vendor's) own wrongful default in not making a good title. *Winterbottom v. Ingham*, 10 Jur. 4—Q. B.

**Sale of a reversionary Interest at an Under-value.**—A sale of a reversionary interest in real and personal property, by a young man in straitened circumstances, to a trustee of part of the property, at a material under-value, will be set aside, although the purchase was made at the instance of the vendor, and against the inclination of the purchaser. And if 1900*l.* is the actual value, 1700*l.* is to be considered a material under-value. *Edwards v. Browne*, 2 Coll. 100.

**Agreement to accept a Title "without Dispute."**—Where a person agrees to purchase an estate, and to accept the vendor's title "without dispute," but it is also agreed that an abstract of title shall be furnished,



and the purchaser discovers from the abstract that there is an outstanding legal estate, he is precluded from taking the objection, notwithstanding the delivery of the abstract by the vendor, and his entering into a correspondence on the subject of the objection. *Duke v. Barnett*, 10 Jur. 87—V. C. B.

#### VESTED INTEREST.

*Direction to pay and divide six months after the death of a prior taker.*—Where a testator bequeaths the residue of his personal estate upon trust for his wife, for her life, if she shall so long continue his widow; and, after her decease or marriage, upon trust to pay and divide the whole unto and equally amongst all and every his nephews and nieces, share and share alike, within six months after they shall have become entitled thereto; the property vests in them on the testator's decease; the possession alone being postponed for the sake of the prior taker and the convenience of the estate; so that if one of them dies in the lifetime of the widow, his or her share passes to his or her personal representatives. *Packham v. Gregory*, 4 Hare, 396.

*Limitation to the Testator's right Heirs of his own Name.*—Where a testator, after devising particular estates, makes an ultimate devise to his own right heirs of his own name, and his, her, and their heirs; and there is nothing in the will which clearly shews that the word "heir" is used in any other than its technical sense, or that the ultimate devise was intended to create a contingent remainder in favour of the person who should answer the given description on the expiration of the particular estates; in such case the ultimate devise creates a vested interest in favour of the person who, at the time of the testator's decease, is his heir-at-law, and bears his name; because it is a rule of law that an interest shall be construed to vest as early as possible; and because the word "heir," unexplained, means the person on whom the law casts the inheritance on the ancestor's decease. *Wrightson v. Macaulay*, 14 Mees. & W. 214.

See "Legacy."

#### WILL.

*Effect of an Attestation Clause—Evidence of signing and publishing.*—Where an attestation is not expressly required, the mere circumstance that there is a memorandum or an attestation clause stating that certain things have been done, does not exclude evidence that other things were done besides those which are expressed to have been done. So that if a will of a married woman, made by virtue of a power, is required to be "signed and published" in the presence of witnesses, and, after the signatures of the witnesses to such will, there is a memorandum or attestation clause, only stating that the will was "signed and sealed" in their presence, evidence may be adduced to shew that it was also published in their presence. And the evidence of two witnesses, that it was declared by the testatrix to be her "will," although according to the evidence of the third it was declared by her to be her "act," is sufficient evidence that it was published. And so the evidence of two witnesses that it was signed in their presence is sufficient evidence of that fact, although the third witness believes it to have been signed before they entered the room. *Warren v. Postlethwaite*, 2 Coll. 108.

*Pencil Erasure.*—A pencil erasure of an annuity given by will may be either deliberative or final, according to circumstances; but *prima facie* it is only deliberative, indicating that the testator contemplated making an alteration in his will, and not final and amounting to a positive revocation. *Francis v. Grover*, 15 Law J. 99—V. C. W.

*Inference that a Testator meant to devise Property in*

*which he had only a Life Interest—Election.*—Where a testator is entitled in fee to some messuages and lands in a parish, and entitled for life to other messuages and lands in the same parish, and he devises all his messuages and lands in that parish, subject to a charge of legacies on a part of the particular hereditaments in which he had only a life estate; it is not to be inferred, from his dealing with that part as his own, that he meant to include in the devise the other part of the same hereditaments, so as to raise a case of election against a person claiming such other part of those hereditaments as a remainder-man, and also claiming under the will as to property of which the testator was seized in fee. *Parker v. Carter*, 4 Hare, 400.

See "Devise."

WORDS—See "Construction," "Legacy," "Power," "Remoteness."

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## CIRCUITS OF THE COMMISSIONERS FOR THE RELIEF OF INSOLVENT DEBTORS.

### AUTUMN CIRCUITS, 1846.

#### NORTHERN CIRCUIT.

H. R. REYNOLDS, Esq., Chief Commissioner.

*Yorkshire*, at Sheffield, Wednesday, Oct. 21.  
*Yorkshire*, at Wakefield, Thursday, Oct. 22.  
*Kingston-upon-Hull*, (Town and County), Tuesday, Oct. 27.  
*Yorkshire*, (City and County), Thursday, Oct. 29.  
*Yorkshire*, at Richmond, Saturday, Oct. 31.  
*Durham*, at Durham, Monday, Nov. 2.  
*Northumberland*, at Newcastle-upon-Tyne and Town, Wednesday, Nov. 4.

*Cumberland*, at Carlisle, Friday, Nov. 6.  
*Westmoreland*, at Appleby, Monday, Nov. 9.  
*Westmoreland*, at Kendal, Tuesday, Nov. 10.  
*Lancashire*, at Lancaster, Wednesday, Nov. 11.  
*Lancashire*, at Liverpool, Wednesday, Nov. 18.  
*Montgomeryshire*, at Welsh Pool, Saturday, Nov. 21.  
*Merionethshire*, at Dolgelly, Tuesday, Nov. 24.  
*Carnarvonshire*, at Carnarvon, Thursday, Nov. 26.  
*Anglesey*, at Beaumaris, Friday, Nov. 27.  
*Denbighshire*, at Ruthin, Monday, Nov. 30.  
*Pembrokeshire*, at Mold, Tuesday, Dec. 1.  
*Cheshire*, at Chester and City, Wednesday, Dec. 2.

#### HOME CIRCUIT.

JOHN GREATHED HARRIS, Esq., Commissioner.

*Kent*, at Dover, Friday, Nov. 6.  
*Canterbury*, (City and County), Saturday, Nov. 7.  
*Kent*, at Maidstone, Monday, Nov. 9.  
*Sussex*, at Lewes, Friday, Nov. 20.  
*Hertfordshire*, at Hertford, Tuesday, Dec. 1.

#### SOUTHERN CIRCUIT.

W. J. LAW, Esq., Commissioner.

*Berkshire*, at Reading, Wednesday, Oct. 28.  
*Oxfordshire*, at Oxford, Friday, Oct. 30.  
*Worcestershire*, at Worcester, Monday, Nov. 2.

*Radnorshire*, at Presteigne, Wednesday, Nov. 4.  
*Herefordshire*, at Hereford, Thursday, Nov. 5.  
*Brecknockshire*, at Brecon, Saturday, Nov. 7.  
*Carmarthenshire*, at Carmarthen, Monday, Nov. 9.  
*Cardiganshire*, at Cardigan, Wednesday, Nov. 11.  
*Pembrokeshire*, at Haverfordwest, Thursday, Nov. 12.  
*Glamorganshire*, at Swansea, Monday, Nov. 16.  
*Glamorganshire*, at Cardiff, Tuesday, Nov. 17.  
*Monmouthshire*, at Monmouth, Thursday, Nov. 19.  
*Gloucestershire*, at Gloucester, Friday, Nov. 20.  
*Bristol*, (City and County), Monday, Nov. 23.  
*Somersetshire*, at Bath, Wednesday, Nov. 25.  
*Devonshire*, at Plymouth, Saturday, Nov. 28.  
*Cornwall*, at Bodmin, Monday, Nov. 30.  
*Devonshire*, at Exeter and City, Wednesday, Dec. 2.  
*Somersetshire*, at Taunton, Friday, Dec. 4.  
*Dorsetshire*, at Dorchester, Monday, Dec. 7.  
*Wiltshire*, at Salisbury, Wednesday, Dec. 9.  
*Southampton*, (Town and County), Thursday, Dec. 10.  
*Southampton*, at Winchester, Friday, Dec. 11.

#### MIDLAND CIRCUIT.

D. POLLOCK, Esq., Commissioner.

*Essex*, at Chelmsford, Monday, Oct. 19.  
*Essex*, at Colchester, Tuesday, Oct. 20.  
*Suffolk*, at Ipswich, Wednesday, Oct. 21.  
*Norfolk*, at Yarmouth, Friday, Oct. 23.  
*Norfolk*, (Norwich and City), Saturday, Oct. 24.  
*Norfolk*, at Lynn, Tuesday, Oct. 27.  
*Suffolk*, at Bury St. Edmund's, Thursday, Oct. 29.  
*Cambridgehire*, at Cambridge, Saturday, Oct. 31.  
*Huntingdonshire*, at Huntingdon, Wednesday, Nov. 4.  
*Northamptonshire*, at Peterborough, Thursday, Nov. 5.  
*Rutlandshire*, at Oakham, Friday, Nov. 6.  
*Lincolnshire*, at Lincoln, Monday, Nov. 9.  
*Nottinghamshire*, (Town and County), Wednesday, Nov. 11.  
*Derbyshire*, at Derby, Thursday, Nov. 12.  
*Lichfield*, (City and County), Saturday, Nov. 14.  
*Staffordshire*, at Stafford, Monday, Nov. 16.  
*Shropshire*, at Shrewsbury, Wednesday, Nov. 18.  
*Shropshire*, at Oldbury, Friday, Nov. 20.  
*Warwickshire*, at Birmingham, Saturday, Nov. 21.  
*Warwickshire*, at Warwick, Tuesday, Nov. 24.  
*Warwickshire*, at Coventry, Thursday, Nov. 26.  
*Leicestershire*, at Leicester, Saturday, Nov. 28.  
*Northamptonshire*, at Northampton, Monday, Nov. 30.  
*Bedfordshire*, at Bedford, Wednesday, Dec. 2.  
*Buckinghamshire*, at Aylesbury, Friday, Dec. 4.

### London Gazettes.

TUESDAY, MAY 26.

#### BANKRUPTS.

GEORGE GORDON CUMMINGS, America-square, Minories, and Mincing-lane, Great Tower-st., London, and Gateshead, Durham, tea broker, glass manufacturer, dealer and chapman, June 6 and July 7 at 11, Court of Bankruptcy, London: Off. Ass. Alsager; Sol. Ruck, Mincing-lane.—Fiat dated May 18.

JOEL RUDMAN, Bath, Somersetshire, oilman and British wine dealer, dealer and chapman, June 3 and July 7 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Berkeley, 52, Lincoln's Inn-fields, London.—Fiat dated May 13.

JOHN DOUGLAS HERRICK, Colchester, Essex, grocer, June 3 and July 7 at 1, Court of Bankruptcy, London: Off. Ass. Belcher; Sol. Smythies & Goody, Colchester; Milne & Co., 2, Harcourt-buildings, Temple.—Fiat dated May 20.

ROBERT NELSON, Great Portland-street, Middlesex, hotel keeper, licensed victualler, and trader, June 3 at 2, and July 3 at 11, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Watson & Broughtons, Falcon-square, London.—Fiat dated May 22.

JONATHAN CLARKSON, King's-road, Chelsea, Middlesex, grocer's shopman, June 1 at half-past 2, and July 2 at 1, Court of Bankruptcy, London: Off. Ass. Turquand; Sol. Archbutt, King's-road, Chelsea.—Fiat dated May 21.

**EDWARD HARWOOD BRACE** and **JAMES ALLEN**, Mitre-court, Milk-street, Cheapside, London, warehousemen and copartners, (trading under the style or firm of E. H. Brace & Company), June 3 at half-past 1, and July 7 at 11, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Sale & Co., Manchester; Reed & Langford, Friday-street, London.—Fiat dated May 18.

**WILLIAM COOPER**, Bury St. Edmund's, Suffolk, hardwareman and haberdasher, dealer and chapman, June 4 at 12, and July 11 at 11, Court of Bankruptcy, London: Off. Ass. Green; Sol. Goddard, King-st., Cheapside.—Fiat dated May 14.

**JOSEPH AVERY**, Manchester-street, Manchester-square, Middlesex, dealer in plate and jewellery, June 5 at 11, and July 11 at 12, Court of Bankruptcy, London: Off. Ass. Follett; Sol. Stafford, 13, Buckingham-street, Strand.—Fiat dated May 22.

**JOHN BEATON**, Upper-street, Islington, Middlesex, tailor, dealer and chapman, June 4 at 2, and July 9 at 11, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Rae, Warwick-court, Holborn.—Fiat dated May 22.

**JOSEPH DAVIS**, Pall-mall, Middlesex, and Ludgate-street, London, dentist, June 9 at half-past 2, and July 3 at 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Beart, Bouverie-street, Fleet-street.—Fiat dated May 18.

**ARTHUR BURTON**, Ranelagh-wharf, Pimlico, Middlesex, coal merchant, dealer and chapman, June 10 at half-past 2, and July 3 at 12, Court of Bankruptcy, London: Off. Ass. Groom; Sol. Fitch, Bridge-street, Blackfriars.—Fiat dated May 21.

**WILLIAM DANSON**, Birkenhead, Cheshire, builder, June 9 and 29 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Pemberton, Liverpool; Cornthwaite & Co., Old Jewry-chambers.—Fiat dated May 23.

**STEPHEN HEY**, Colne, Lancashire, worsted and cotton manufacturer, dealer and chapman, June 9 and July 3 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Parry, Manchester; Wells, Bradford; Hawkins & Co., 2, Boswell-court, Lincoln's Inn Fields, London.—Fiat dated May 21.

**JAMES WILKINSON**, Manchester, grocer, dealer and chapman, June 16 and 30 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. E. and R. W. Bennett, Manchester; Hammond, 16, Farnival's Inn, London.—Fiat dated May 22.

**WILLIAM MALLETT**, Choriton-upon-Medlock, Manchester, milliner, dealer and chapman, June 9 and July 2 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Brookes, Manchester; Sibley, 5, Wharton-street, Pentonville, Middlesex.—Fiat dated May 22.

**JOSEPH GOLDTHORP**, Manchester, grocer and provision dealer, dealer and chapman, June 12 and July 2 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Heath, Manchester; Jaques & Edwards, Ely-place, Holborn, London.—Fiat dated May 18.

**JOHN TEMPEST** and **WILLIAM HOLDER TEMPEST**, Leeds, Yorkshire, share brokers, share dealers, and dealers and chapmen, June 8 and July 2 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Middleton, Leeds; Sudlow & Co., Chancery-lane, London.—Fiat dated May 18.

**THOMAS BOINTON**, Pickering, Yorkshire, money scrivener, dealer and chapman, June 8 and July 2 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Kendall, Pickering; Dunning & Stawman, Leeds; Hawkins & Co., New Boswell-court, London.—Fiat dated May 22.

**RICHARD CARLILE CAPLETON**, Cheltenham, Gloucestershire, tea dealer, grocer, dealer and chapman, June 12 and July 7 at 12, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sols. Roberts, Keynsham, Somersetshire; Paterson, Bouverie-street.—Fiat dated May 18.

**WILLIAM WATTS**, Cheltenham, Gloucestershire, builder, carpenter, dealer and chapman, June 9 and July 7 at half-past 12, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sols. Packwood, Cheltenham; Sabine, Bristol.—Fiat dated May 21.

#### MEETINGS.

*Robert Briggs*, Ulverstone, Lancashire, cotton manufacturer, June 8 at 12, District Court of Bankruptcy, Manchester, pr. d.—*James Buttery*, Manchester, commission agent, June 10 at 12, District Court of Bankruptcy, Manchester, ch.

ass.—*James Blyth*, Chelmsford, Essex, grocer, May 30 at 1, Court of Bankruptcy, London, last ex.—*Thomas Metcalf*, Princes-street, Red Lion-square, Middlesex, carpenter and builder, May 30 at 12, Court of Bankruptcy, London, last ex.—*John Blandell*, Wigan, Lancashire, pawnbroker, June 10 at 12, District Court of Bankruptcy, Manchester, last ex.—*Wm. Edmond* and *Thomas Edmond*, Liverpool, merchants, June 12 at 11, District Court of Bankruptcy, Manchester, last ex. of *William Edmond*.—*James Harris*, Lendenhall-market, London, butcher, June 16 at 11, Court of Bankruptcy, London, and ac.—*George Motr*, John's-row, St. Luke's, Middlesex, shoemaker, June 16 at half-past 1, Court of Bankruptcy, London, and ac.—*Joseph Scholefield*, Cheapside, London, cutler, June 17 at 11, Court of Bankruptcy, London, and ac.—*J. Tebbutt*, Cambridge, auctioneer, June 17 at half-past 11, Court of Bankruptcy, London, and ac.—*J. Thompson*, Norwich, grocer, June 17 at 11, Court of Bankruptcy, London, and ac.—*George Butler Berr*, London, ship broker, June 17 at 11, Court of Bankruptcy, London, and ac.—*D. J. Kinghorn*, Crawford-street, Marylebone, Middlesex, baker, June 17 at 12, Court of Bankruptcy, London, and ac.—*R. Blacker* and *Charles Barith* the younger, Gresham-street, London, warehousemen, June 18 at 11, Court of Bankruptcy, London, and ac.—*S. Bucknell*, Hendon, Middlesex, carman, June 18 at 11, Court of Bankruptcy, London, and ac.—*H. D. Watkins* and *J. Innes*, Manchester, lead merchants, June 22 at 12, District Court of Bankruptcy, Manchester, and ac.—*Joseph Mellanby*, Hartlepool, Durham, broker, June 18 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.—*James Leybourn*, Bradford, Yorkshire, provision shopkeeper, June 20 at 11, District Court of Bankruptcy, Leeds, and ac.—*Robert Pickles*, Barnsley, Yorkshire, linen manufacturer, June 20 at 11, District Court of Bankruptcy, Leeds, and ac.—*James Sykes*, Doncaster, Yorkshire, hosier, June 20 at 11, District Court of Bankruptcy, Leeds, and ac.—*E. T. Allen*, Castlegate, York, apothecary, June 20 at 11, District Court of Bankruptcy, Leeds, and ac.—*Francis Ward*, Killy, Yorkshire, rag merchant, June 20 at 11, District Court of Bankruptcy, Leeds, and ac.—*David Broadhead* and *Augustus John Halcro*, Leeds, Yorkshire, stock brokers, June 20 at 11, District Court of Bankruptcy, Leeds, and ac.—*Benjamin Clark*, Leeds, Yorkshire, corn factor, June 20 at 11, District Court of Bankruptcy, Leeds, and ac.—*John Hepworth* and *David Hepworth*, Raistrick, Halifax, Yorkshire, cotton wad dyers, June 22 at 11, District Court of Bankruptcy, Leeds, and ac.—*James Cousen* and *Lucy Cousen*, Bankhouse, Bingley, and *John Richardby Cousen*, Bradford, Yorkshire, worsted spinners, June 22 at 11, District Court of Bankruptcy, Leeds, and ac.—*George Schonswar*, Hull, and *Henry Schonswar*, Sculcoates, Yorkshire, merchants, June 17 at 11, Town-hall, Kingston-upon-Hull, and ac. and div.—*Joseph Lathbury*, Burton-upon-Trent, Staffordshire, mercer, June 19 at 10, District Court of Bankruptcy, Birmingham, and ac.—*Wm. W. Jenkins*, Birmingham, brass founder, June 19 at 10, District Court of Bankruptcy, Birmingham, and ac.—*John Smith*, Warwick, wine merchant, June 20 at 11, District Court of Bankruptcy, Birmingham, and ac.—*Wm. Gilpin*, Villiers-street, Strand, Middlesex, army clothier, June 16 at half-past 12, Court of Bankruptcy, London, div.—*Thomas Tubb*, Palace-row, New-road, Middlesex, cowkeeper, June 16 at half-past 11, Court of Bankruptcy, London, div.—*Rich. Ensoll*, Broad-street, Bloomsbury, Middlesex, draper, June 16 at half-past 11, Court of Bankruptcy, London, div.—*Robert Starbuck*, Gravesend, Kent, shipwright, June 18 at 11, Court of Bankruptcy, London, div.—*Edw. Burnett*, Riches-court, Lime-street, London, merchant, June 16 at 2, Court of Bankruptcy, London, div.—*Hugh D. Watkins* and *J. Innes*, Manchester, lead merchants, June 23 at 12, District Court of Bankruptcy, Manchester, fin. div.—*T. Armytage Phillips*, Huddersfield, Yorkshire, oil merchant, June 22 at 11, District Court of Bankruptcy, Leeds, first and fin. div.—*J. Lathbury*, Burton-upon-Trent, Staffordshire, mercer, June 19 at 10, District Court of Bankruptcy, Birmingham, div.—*J. Smith*, Warwick, wine merchant, June 22 at 11, District Court of Bankruptcy, Birmingham, fin. div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*John Tuddenham*, Pickering-place, Bayswater, Middlesex, builder, June 16 at 11, Court of Bankruptcy, London.—Ass

*Martin*, Sturminster Newton, Dorsetshire, widow, June 16 at 11, Court of Bankruptcy, London.—*William Howe*, Baxford, Suffolk, bricklayer, June 16 at 12, Court of Bankruptcy, London.—*Abram Dugfield* and *Mark Dugfield*, Buckingham, brayers, June 17 at 12, Court of Bankruptcy, London.—*Jos. Thompson*, Norwich, grocer, June 17 at 11, Court of Bankruptcy, London.—*John James Clark*, Hounslow, Middlesex, builder, June 17 at 12, Court of Bankruptcy, London.—*John Dalton*, Wandsworth, Surrey, grocer, June 18 at 12, Court of Bankruptcy, London.—*James Freeman*, Cheltenham, Gloucestershire, doctor of medicine, June 19 at 11, District Court of Bankruptcy, Bristol.—*John Arkell*, Donnington, Stow-on-the-Wold, Gloucestershire, miller, June 12 at 12, District Court of Bankruptcy, Bristol.—*Joseph Mellanby*, Hartlepool, Durham, broker, June 18 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Henry Rawson Morley*, Kingston-upon-Hull, merchant, June 17 at 11, District Court of Bankruptcy, Kingston-upon-Hull.—*Benj. Clark*, Leeds, Yorkshire, corn factor, June 18 at 11, District Court of Bankruptcy, Leeds.—*James Corral*, Boston, Lincolnshire, ship owner, June 26 at 10, District Court of Bankruptcy, Birmingham.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before June 16.*

*Charles Poile*, Rye, Sussex, merchant.—*Wm. Edw. Filbey*, Norwich, wine merchant.—*Joseph Melford*, Lyncombe and Widcombe, Somersetshire, wine merchant.—*Thos. Harding*, Lichfield, schoolmaster.—*Thomas Williams*, Bristol, licensed victualler.—*J. Johnson*, Nantwich, Cheshire, druggist.—*W. London* the elder, Exeter, currier.—*Sam. Lawrence*, Bedford-street, Covent-garden, Middlesex, dealer in watches.—*Samuel Massey Cross*, Greenwich, Kent, corn merchant.—*J. Riddall Wood*, Failsworth, Manchester, varnish maker.

#### PARTNERSHIP DISSOLVED.

*John King* and *Davis Porter King*, Buckingham, attorneys and solicitors.

#### SCOTCH SEQUESTRATIONS.

*John Liddell*, deceased, Port-Glasgow, merchant.—*William Henderson*, Inverkeithing, baker.—*Hugh Walker*, Glasgow, manufacturer.—*Thos. Samuel & Co.*, Glasgow, merchants.—*John Shaw*, *Robert Shaw*, and *Wm. Shaw*, Glasgow, calico printers.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*George Marshall* the elder, Hornsey, Middlesex, carpenter, May 30 at 11, Court of Bankruptcy, London.—*Andrew Patterson*, Montpelier-row, Blackheath, Kent, professor of music, May 30 at 11, Court of Bankruptcy, London.—*J. Backhouse*, St. Mary at the Elms, Ipswich, journeyman carpenter, June 11 at 1, Court of Bankruptcy, London.—*Jos. Smith*, Bolingbroke-road, Battersea, Surrey, carman, June 11 at 1, Court of Bankruptcy, London.—*Jas. Oliver Sandford*, Hulme, Manchester, lodging-house keeper, June 8 at 12, District Court of Bankruptcy, Manchester.—*Edwin Stott*, Liverpool, butcher, June 2 at 11, District Court of Bankruptcy, Liverpool.—*E. Smith*, Walsall, Staffordshire, shoemaker, June 4 at 12, District Court of Bankruptcy, Birmingham.—*John Hamling* the younger, Plymouth, Devonshire, out of business, June 3 at 11, District Court of Bankruptcy, Exeter.

*Saturday, May 23.*

*The following Assignee has been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*John Jas. Fuller*, Norwich, unemployed, No. 28,296 C.; *Thos. M. Keith*, assignee.

*Saturday, May 23.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Thos. Yolland* the younger, Cromer-st., Brunswick-square, Middlesex, plumber: in the Debtors Prison for London and Middlesex.—*Robert Thos. C. Gray*, Stanley-st., New North-road, Hoxton, Middlesex, out of business: in the Queen's Prison.—*Rob. E. Gaye*, Prospect-place, Maida-hill, Middlesex, surgeon: in the Queen's Prison.—*Fred. F. Cooper*, 17, Walcot-place East, Lambeth, Surrey, dramatic author: in the

Gaol of Surrey.—*Wm. Hen. Thomas*, Cornhill, London, out of employ: in the Queen's Prison.—*Mary Morris*, widow, Stafford-street, Bond-street, Middlesex: in the Debtors Prison for London and Middlesex.—*Jas. Turpin*, Hindon-st., Pimlico, Middlesex, greengrocer: in the Debtors Prison for London and Middlesex.—*John W. Wood*, Curator-st., Chancery-lane, Holborn, out of employment: in the Queen's Prison.—*Alex. Norton*, York-buildings, New-road, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Stephen Reynolds*, Clerkenwell-close, Clerkenwell, Middlesex, cheesemonger: in the Debtors Prison for London and Middlesex.—*John Garner*, Leicester, hosier: in the Gaol of Leicester.—*Sam. Sharp*, Clayton-heights, near Bradford, Yorkshire, stuff manufacturer: in the Gaol of York.—*Frances Wilson*, Salford, Lancashire, engineer: in the Gaol of Lancaster.—*Jas. Stones*, York, out of business: in the Gaol of York.—*Rob. Temple*, Manchester, commission agent: in the Gaol of Lancaster.—*Wm. Langman*, Exeter, slate merchant: in the Gaol of Exeter.—*Richard Shepherd*, Clayton-heights, near Bradford, Yorkshire, stuff manufacturer: in the Gaol of York.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Tuesday, June 9, at 9.*

*Edw. Edwards* the elder, Mansel-street, Goodman's-fields, Middlesex, bricklayer.—*Jesse Howard*, White Horse-street, Cornwall-road, New-cut, Lambeth, Surrey, scale-board cutter.—*Wm. Geo. Smith*, Kirby-street, East India-road, Poplar, Middlesex, out of business.

*Court-house, SHEFFIELD, Yorkshire, June 9 at 10.*

*Robert Hall*, Sheffield, out of business.

*Court-house, WAKEFIELD, Yorkshire, June 11 at 10.*

*Jas. Sutcliffe*, Huddersfield, painter.—*Jas. Sewell*, Paddick, near Huddersfield, painter.—*Thos. Colkister*, Stocks-hill, near Leeds, butcher.—*Thomas Waite*, Guisley, near Leeds, cloth manufacturer.—*John Bateman*, Leeds, woollen cloth printer.—*Wm. Brownbill*, Wakefield, shopman to a watch maker.—*Jos. Lister*, Bowling, near Bradford, stone mason.—*John Lumley*, Aldborough, farm bailiff.—*Rich. Ellison*, Huddersfield, labourer.—*George Pickard*, Flockton, near Wakefield, coal agent.—*Joseph Moody*, Hopton, near Dewsbury, wood dealer.—*Rich. Astwick*, Fleckton, near Wakefield, carpenter.—*Thos. Bentley*, Leeds, out of business.—*John Sharp*, Horton, near Bradford, machine maker.—*Jos. Thornton*, Culverley, near Leeds, out of business.—*John Balecon*, Kirkburton, near Huddersfield, joiner.—*Barn. Topham*, Boroughbridge, wheelwright.—*John Moody*, Nether-ends, Deuley, near Penistone, wood dealer.

#### INSOLVENT DEBTORS' DIVIDENDS.

*John Gimman*, Twickenham-common, Middlesex, painter: 3s. 2½d. in the pound.—*Chas. Slade*, Walker's-court, Berwick-st., Soho, Middlesex, china dealer: 8½d. in the pound.—*Thos. H. Jones Webb*, Curtain-road, Shoreditch, Middlesex, printer: 7½d. in the pound.—*Thos. Plaw*, Green-street, Paddington, Middlesex, retailer of beer: 8½d. in the pound.—*Sam. Voudsen*, King-street, Southwark, Surrey, licensed victualler: 10½d. in the pound.—*Thos. Busbridge*, St. Peter's, Isle of Thanet, Kent, general shopkeeper: 9d. in the pound.—*Joshua Stephenson*, Walcot, Bath, Somersetshire, glass stainer: 1s. in the pound.—*John Green*, Nottingham, baker: 4s. 3d. in the pound.

*Apply at the Provisional Assignee's Office, Portugal-street, Lincoln's-inn-fields, between the hours of 10 and 1.*

#### MEETING.

*Geo. Hopkinson*, Bedford-street, Bedford-sq., Bloomsbury, Middlesex, attorney at law, June 11 at 3, Maypole Inn, Nottingham, sp. aff.

**FRIDAY, MAY 29.**

#### BANKRUPTS.

**FRANCIS ROLFE**, Great Marlborough-st., Middlesex, tailor, June 6 at 1, and July 10 at 11, Court of Bankruptcy, London: Off. Ass. Alsager; Sols. A'Beckett, Golden-square.—Fiat dated May 23.

**WILLIAM DARNBROUGH**, Richmond, Surrey, tailor and draper, June 5 at half-past 10, and July 3 at 12, Court of Bankruptcy, London: Off. Ass. Belcher; Sols. Kinder & Sorrell, Jewry-st., Aldgate.—Fiat dated May 25.

**JOHN BOYD and JAMES BOYD**, Wellington-chambers, Southwark, Surrey, hop, seed, and gunpowder merchants, (trading under the firm of John Boyd & Co.), June 15 at 2, and July 10 at 11, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Phillips, Sise-lane.—Fiat dated May 28.

**WILLIAM LOCKS**, Leonard-st., Curtain-road, Shoreditch, Middlesex, timber merchant, June 16 at half-past 2, and July 10 at 12, Court of Bankruptcy, London: Off. Ass. Groom; Sol. Taylor, 38, Moorgate-street, City.—Fiat dated May 26.

**CHARLES FREDERICK ELLERMAN**, Philpot-lane, London, agent and commission merchant, dealer and chapman, June 12 at 2, and July 10 at half-past 11, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Amory & Co., 25, Throgmorton-street.—Fiat dated May 26.

**GEORGE FREEMAN**, Croydon, Surrey, grocer and general dealer, June 5 at 11, and July 11 at 1, Court of Bankruptcy, London: Off. Ass. Green; Sols. Allen & Nicol, 88, Queen-st., Cheapside.—Fiat dated May 22.

**THOMAS JEFFRIES**, Aberystwyth, Cardiganshire, victualler and jeweller, June 9 and July 7 at 1, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sols. Harrison, Birmingham; Chaplin, 3, Gray's Inn-square, London.—Fiat dated May 19.

**MARIA BIRD**, Cheltenham, Gloucestershire, milliner, June 11 and July 9 at 1, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sol. Winterbotham, Cheltenham.—Fiat dated May 18.

**ROBERT DAVIES**, Abbey Tintern, Monmouthshire, draper, shopkeeper, dealer and chapman, June 12 at 1, and July 10 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sols. W. and C. Bevan, Bristol.—Fiat dated May 18.

**GEORGE SAMUEL COXWELL and WILLIAM CROSER**, Newcastle-upon-Tyne, merchants, ship and insurance brokers, commission agents, dealers and chapmen, June 5 at half-past 10, and July 9 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Wakley, Sols. Hewison, Newcastle-upon-Tyne; Capes & Stuart, Gray's Inn, London.—Fiat dated May 22.

**WILLIAM BALDOCK**, Nottingham, grocer and flour dealer, June 16 and July 14 at half-past 10, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sol. Browne, Nottingham.—Fiat dated May 21.

**WILLIAM WHITE**, Tavistock, Devonshire, tailor, dealer and chapman, June 10 and July 1 at 11, District Court of Bankruptcy, Exeter: Off. Ass. Hernaman; Sols. Stogdon or Daw, Exeter.—Fiat dated May 11.

**NEHEMIAH JOHN REED**, Marlborough, Wiltshire, licensed common brewer and maltster, dealer and chapman, June 11 at 11, and July 10 at 12, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sols. Bennett & Paul, 1, Sise-lane, London.—Fiat dated May 27.

**THOMAS SUGER**, Kingston-upon-Hull, corn merchant, dealer and chapman, June 10 and July 1 at 11, District Court of Bankruptcy, Kingston-upon-Hull: Off. Ass. Kynaston; Sols. Holden & Son, Hull; Hicks, Gray's Inn, London.—Fiat dated May 20.

#### MEETINGS.

*Wm. Bromley*, Gray's Inn-square, Gray's Inn, Middlesex, scrivener, June 12 at 11, Court of Bankruptcy, London, last ex.—*The Hon. F. H. Needham*, New Bond-st., and Fairfield-lodge, Addison-road, Kensington, Middlesex, dressing-case maker, June 10 at 1, Court of Bankruptcy, London, last ex.—*Wm. Hen. Smith*, Manchester, hop merchant, June 19 at 11, District Court of Bankruptcy, Birmingham, last ex.—*Jas. Wilson*, Woolwich, Kent, and Bury-st., Chelsea, Middlesex, cabinet maker, June 19 at 11, Court of Bankruptcy, London, and ac.—*Chas. Self*, Sun-st., Bishopsgate Without, London, plumber, June 19 at half-past 1, Court of Bankruptcy, London, and ac.—*William Rogers*, Lewes, Sussex, draper, June 19 at 2, Court of Bankruptcy, London, and ac.—*James Gilbert Gore*, Cheltenham, Gloucestershire, innkeeper, June 30 at 11, District Court of Bankruptcy, Bristol, and ac.—*Robert Penkey* the younger, East Stonehouse, Devonshire, grocer, June 23 at 11, District Court of Bankruptcy, Exeter, and ac.—*Sam. Hutchinson*, Bradford, Yorkshire, stock and share broker, June 26 at 11, District Court of Bankruptcy, Leeds, and ac.; June 26 at 11, div.—*Thos. Patchett*, Brigflaten, Yorkshire, worsted manufacturer, June 20 at

11, District Court of Bankruptcy, Leeds, and ac.; June 25 at 11, div.—*Thos. Harding*, Lichfield, schoolmaster, June 23 at 11, District Court of Bankruptcy, Birmingham, and ac.—*Edw. W. Baxter*, Coventry, Warwickshire, ironmonger, June 20 at 12, District Court of Bankruptcy, Birmingham, and ac. and pr. d.—*Lewis Reis*, Jas. Power, and *Gustavus Kanig*, Fenchurch-st., London, and Wandsworth, Surrey, merchants, June 19 at half-past 11, Court of Bankruptcy, London, div. joint and sep. est. *Lewis Reis* and *Gus. Kanig*.—*John Crisp*, Great Tower-st., London, wine and spirit broker, June 19 at 2, Court of Bankruptcy, London, div.—*Samuel Harrison*, Poole, provision merchant, June 19 at 1, Court of Bankruptcy, London, div.—*Edmond S. G. Monkhouse* and *Mich. A. Gorman*, London, merchants, June 20 at 2, Court of Bankruptcy, London, fin. div.—*Thomas Johnson* the elder, *Wm. Johnson*, and *Chas. Mann*, Romford, Essex, bankers, June 19 at 11, Court of Bankruptcy, London, div.—*John A. Dow*, Romford, Essex, draper, June 19 at 12, Court of Bankruptcy, London, div.—*Thomas Standen*, Maidstone, Kent, brewer, June 19 at half-past 12, Court of Bankruptcy, London, div.—*Edw. Clayton*, Edgeware-road, Middlesex, licensed victualler, June 19 at 1, Court of Bankruptcy, London, div.—*Wm. Rogers*, Lewes, Sussex, draper, June 19 at 2, Court of Bankruptcy, London, div.—*Geo. Barlow*, Stepney-green, Middlesex, iron merchant, June 22 at 11, Court of Bankruptcy, London, div.—*John Hutton*, Ringwood, Southampton, draper, June 22 at half-past 11, Court of Bankruptcy, London, div.—*Step. Bucknell*, Hendon, Middlesex, carman, June 22 at 1, Court of Bankruptcy, London, div.—*R. H. Blacker* and *Chas. Earith* the younger, Graham-st., London, warehousemen, June 22 at 12, Court of Bankruptcy, London, div.—*Pat. W. Carter* and *Jas. Jackson*, Brewer-st., Golden-sq., Middlesex, woollen drapers, June 19 at 12, Court of Bankruptcy, London, div.—*Wm. Insall*, Shipston-on-Stour, Worcestershire, auctioneer, June 20 at 12, District Court of Bankruptcy, Birmingham, and ac. and div.—*Robert Penkey* the younger, East Stonehouse, Devonshire, grocer, June 23 at 1, District Court of Bankruptcy, Exeter, div.—*Francis Ward*, Batley, Yorkshire, rag merchant, June 26 at 11, District Court of Bankruptcy, Leeds, div.—*Benjamin Clark*, Leeds, Yorkshire, corn factor, June 26 at 11, District Court of Bankruptcy, Leeds, div.—*Dav. Broadhead* and *Aug. John Halero*, Leeds, Yorkshire, stock brokers, June 26 at 11, District Court of Bankruptcy, Leeds, div.—*Robert Pickles*, Barnsley, Yorkshire, linen manufacturer, June 23 at 11, District Court of Bankruptcy, Leeds, div.—*Edm. Thos. Allen*, Castlegate, Yorkshire, apothecary, June 25 at 11, District Court of Bankruptcy, Leeds, div.—*Jas. Cousen* and *Lacy Cousen*, Bingley, and *John R. Cousen*, Bradford, Yorkshire, worsted spinners, June 23 at 11, District Court of Bankruptcy, Leeds, div.—*Joah Sugden* and *Dav. Sugden*, Springfield, Kirkburton, and Huddersfield, Yorkshire, fancy cloth manufacturers, June 23 at 11, District Court of Bankruptcy, Leeds, fin. div. sep. est. *Joah Sugden*.

#### CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on the Day of Meeting.

*Moyse Brunswick*, Lime-street, London, merchant, June 19 at 12, Court of Bankruptcy, London.—*Thos. Matthews*, Aldgate High-st., London, draper, June 25 at 11, Court of Bankruptcy, London.—*Wm. Humphryes*, Haymarket, Middlesex, hotel keeper, June 22 at 11, Court of Bankruptcy, London.—*Wm. Rogers*, Lewes, Sussex, draper, June 19 at 2, Court of Bankruptcy, London.—*John Arkell*, Donnington-mill, Stowe-on-the-Wold, Gloucestershire, miller, June 19 at 12, District Court of Bankruptcy, Bristol.—*Thos. A. Phillips*, Huddersfield, Yorkshire, oil merchant, June 25 at 11, District Court of Bankruptcy, Leeds.—*Geo. Duckhom*, Merthyr, Glamorganshire, butcher, June 25 at 11, District Court of Bankruptcy, Bristol.—*Henry Roe*, Liverpool, goldsmith, June 22 at 11, District Court of Bankruptcy, Liverpool.—*Ales. M. Beaumont*, Honley, Almondbury, Yorkshire, woollen cloth manufacturer, June 23 at 11, District Court of Bankruptcy, Leeds.—*Dav. Broadhead* and *Aug. J. Halero*, Leeds, Yorkshire, stock brokers, June 23 at 11, District Court of Bankruptcy, Leeds.—*Wm. Cross*, Weymouth and Melcombe Regis, Dorsetshire, coal merchant, June 25 at 1, District Court of Bankruptcy, Exeter.—*Thomas McGuire*, Birmingham, draper, June 24 at 12, District Court of Bankruptcy, Birmingham.—*John Morris*, Manchester, auctioneer,

June 24 at 12, District Court of Bankruptcy, Manchester.—*Abraham Lord*, Collyhurst, Manchester, dyer, June 23 at 12, District Court of Bankruptcy, Manchester.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before June 19.*

*Wm. Brooke*, Snow-hill, London, ale-house keeper.—*Thos. Robinson*, Swansea, Glamorgan-shire, grocer.—*J. D. Hinman*, Harley-street, Cavendish-square, Middlesex, wine merchant.—*Wm. B. Briden*, Great Corn-street, Brunswick-square, Middlesex, surgeon.—*Richard Childs*, Queen Anne-street, Cavendish-square, Middlesex, tailor.—*James Giro*, Moorgate-street, London, merchant.—*Thos. Douglass*, Vigo-street, Middlesex, cloth manufacturer.—*Rich. C. Turner*, Rensselaer-street, London, carpenter.

#### FIAT ANNULLED.

*James Rishden*, Hoddlesden, Over Darwen, Lancashire, cotton spinner.

#### SCOTCH SEQUESTRATIONS.

*John Macphail*, Dingwall, merchant.—*A. and G. M'Leay*, Fortrose and Avoch, Ross-shire, merchants.

#### INSOLVENT DEBTORS

*We have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Charles Broad*, High-street, Hoxton Old-town, Middlesex, chemist, June 9 at 11, Court of Bankruptcy, London.—*Wm. Sedrick*, Stanmore, Middlesex, pig dealer, June 9 at half-past 12, Court of Bankruptcy, London.—*Wm. Camp*, Hertford, general dealer in tobacco, June 9 at 11, Court of Bankruptcy, London.—*S. T. W. Gawthorp*, Portland-place North, Clapham-road, Surrey, surveying clerk to the County Fire Office, June 11 at 11, Court of Bankruptcy, London.—*Wm. Henry Green*, Bedford, dyer, June 10 at 11, Court of Bankruptcy, London.—*Thomas Cripps*, Queen's-road, Nottingham-hill, Middlesex, painter, June 10 at 11, Court of Bankruptcy, London.—*Edward B. Ground*, York-street, Kingsland-road, Middlesex, in the employ of the London City Mission Society, June 9 at 11, Court of Bankruptcy, London.—*Sarah Hills*, South Bersted, Sussex, spinster, out of business, May 30 at half-past 2, Court of Bankruptcy, London.—*M. Smith*, Liverpool, bricklayer, June 9 at 11, District Court of Bankruptcy, Liverpool.—*Robert Pate*, Birkenhead, Cheshire, butcher, June 9 at 11, District Court of Bankruptcy, Liverpool.—*Thomas Ledger*, Liverpool, dealer in tobacco, June 5 at 11, District Court of Bankruptcy, Liverpool.—*C. Willis*, Everton, Lancashire, out of business, June 25 at 11, District Court of Bankruptcy, Liverpool.—*R. S. Zamoiski*, Exeter, travelling dealer in steel pens, June 4 at 1, District Court of Bankruptcy, Exeter.—*John Ward*, Idle, Calverley, Yorkshire, beer-house keeper, June 2 at 11, District Court of Bankruptcy, Leeds.—*Samuel Reed*, Batley, Yorkshire, rag merchant, June 2 at 11, District Court of Bankruptcy, Leeds.—*Jervis Jagger*, Clayton Heights, near Bradford, Yorkshire, staff manufacturer, June 11 at 11, District Court of Bankruptcy, Leeds.—*Richard Barlow*, Whitley, Yorkshire, shoe-maker, June 2 at 11, District Court of Bankruptcy, Leeds.—*Hugh Hudson*, Yeadon, Guiseley, Yorkshire, cloth manufacturer, June 2 at 11, District Court of Bankruptcy, Leeds.—*Radcliffe's Cairados*, Bradford, Yorkshire, beer seller, June 2 at 11, District Court of Bankruptcy, Leeds.—*Thos. Dixon*, Leeds, Yorkshire, traveller and warehouseman, June 11 at 11, District Court of Bankruptcy, Leeds.—*Mary Richards*, widow, Bristol, beer retailer, June 9 at 12, District Court of Bankruptcy, Bristol.—*Charles Jameson*, Birmingham, cork cutter, June 4 at 12, District Court of Bankruptcy, Birmingham.—*E. Lloyd*, Ellesmere, Shropshire, plumber, June 16 at 10, District Court of Bankruptcy, Birmingham.—*W. Woodward* the younger, Nottingham, brazier, June 23 at 10, District Court of Bankruptcy, Birmingham.—*W. Newey*, Birmingham, bricklayer, June 16 at 10, District Court of Bankruptcy, Birmingham.—*John Duck*, Derby, licensed victualler, June 23 at 10, District Court of Bankruptcy, Birmingham.—*H. Wilks*, Goding, and *Richard Willis*, West Bridgeford, Nottingham-shire, out of business, June 15 at 12, District Court of Bankruptcy, Birmingham.—*Thomas Gorton*, Lower Cabin-end, Oswaldtwistle, Lancashire, labourer, June 9 at 1, District Court of Bankruptcy, Manchester.

Wednesday, May 27.

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Seth Richard Evans*, Maiden-lane, Islington, Middlesex, beer-shop keeper: in the Debtors Prison for London and Middlesex.—*A. Lawes*, Wharf-road, Pritchard's-road, Hackney-road, Middlesex, dealer in coals: in the Debtors Prison for London and Middlesex.—*J. Taylor Bryson*, Victoria-place, High-street, Hoxton Old-town, Middlesex, baker: in the Debtors Prison for London and Middlesex.—*Wm. Whaley* the younger, Rahere-street, St. Luke's, Middlesex, licensed victualler's cabinet maker: in the Debtors Prison for London and Middlesex.—*John Glindinning*, Sloane-street, Chelsea, Middlesex, manager of a jewellery business; in the Queen's Prison.—*Jas. Ash*, Bermondsey-cross-alley, Marygold-street, Bermondsey, Surrey, shoe maker: in the Gaol of Surrey.—*Wm. Henry Low*, High-street, Shoreditch, keeper of dining rooms: in the Debtors Prison for London and Middlesex.—*John Rich. Miskin*, Bowley-hill, Rochester, Kent, out of business: in the Gaol of Maidstone.—*Wm. Griffin*, Hastings, Sussex, baker: in the Gaol of Dover.—*Peter Theakston*, Fetergate, Yorkshire, painter: in the Gaol of York.—*Thomas Wilson*, Conside, near Shotley-bridge, Durham, labourer: in the Gaol of Durham.—*John Orton*, Durham, superintendent to the erection of coke ovens: in the Gaol of Durham.—*James Treleven*, Luxulion, Cornwall, grocer: in the Gaol of Bodmin.

*(On Creditor's Petition).*

*Thomas Dew*, Bratton, Westbury, Wiltshire, yeoman: in the Gaol of Fisherton Anger.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Monday, June 15, at 9.*

*Stephen Sly*, Charlton, near Lee, Kent, engraver.—*Thomas Blake*, Newgate-street, London, meat salesman.—*John Henry Nairne*, Curtain-road, Shoreditch, Middlesex, brass founder.—*Wm. Charlton Forster*, Sydenham, Kent, out of business.

*Court-house, WAKEFIELD, Yorkshire, June 12 at 10.*

*Robt. Jacques*, Huddersfield, out of business.—*R. Peniston*, Leeds, out of business.—*Susannah Higgins*, Leeds, out of business.—*John Roberts*, Barnoldswick, out of business.—*R. Walmaley Hartley*, Sheffield, warehouseman.—*Jos. Sugden*, North Brierley, near Bradford, farmer.—*Henry Buckley*, Saddleworth, farmer.—*John Taylor*, Leeds, fruiterer.—*J. Siddle*, Almondbury, near Huddersfield, bobbin winder.—*J. Haigh*, Meltham, near Huddersfield, publican.—*James Balme*, Hoyle Bottom, near Halifax, wool sorter.—*J. Jowett*, Clayton, near Bradford, stuff manufacturer.—*John Edmondson*, Gisburn, clogger.—*Henry Moorwood*, Sheffield, corn miller.

*June 13, at the same hour and place.*

*Joseph Scott*, Leeds, shopman to a clock maker.—*George Burrell*, Leeds, drysalter.—*Rich. Holmes*, Bristol, near Leeds, tallow chandler.—*Wm. Shelton*, Gleadless, near Sheffield, labourer.—*Fred. Barnes*, Saddleworth, weaver.—*Jas. Walker*, Gomersal, near Leeds, woollen spinner.—*Alexander Riley*, Holbeck, shoe maker.—*Sam. Sharp*, Clayton Heights, near Bradford, stuff manufacturer.—*James Wharrie*, Otley, clock maker.—*Richard Shepherd*, Clayton Heights, near Bradford, stuff manufacturer.

*Court-house, READING, Berkshire, June 13 at 10.*

*Rich. Smith*, Wallingford, tailor.—*Charles Stratton*, Stamford, near Farringdon, out of business.—*W. Armer*, Harwell, near Abingdon, cattle dealer.

*Court-house, OXFORD, (County), June 15 at 10.*

*John Hall*, Oxford, carpenter.—*Thomas Barnes*, St. Ebbe, shopkeeper.

#### MEETINGS.

*Francis Nison*, Bristol, attorney at law, June 15 at 12, Whittington's, Bristol, sp. aff.—*Joseph Lewis*, Sneyton, Nottinghamshire, out of business, June 18 at 10, Patchett's, Fetergate, Nottinghamshire, sp. aff.

**SOCIETY for PROMOTING the AMENDMENT of the LAW.**—THE PUBLIC MEETING advertised to be held at the Society's Rooms on Wednesday last, the 27th of May instant, is POSTPONED to Saturday, the 6th of June, when the attendance of all Persons interested in the important Object of the Amendment of the Law is earnestly requested. The Right Hon. Lord BROUGHAM will take the Chair at 3 o'clock precisely.—21, Regent-street.

INNER TEMPLE.—TRINITY TERM, 1846.

**THOMAS STARKIE, Esq.,** one of the Masters of the Bench, and Reader for the present Year, will give THREE LECTURES on JURISPRUDENCE, in the HALL of this SOCIETY, during this Term. The first Lecture to take place on THURSDAY, the 28th INST.; the Second on THURSDAY, the 4th of JUNE; and the Third on THURSDAY, the 11th of JUNE.

Each Lecture to commence at 8 o'clock in the Evening, 22nd May, 1846.

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Printed by WALTER M'DOWALL, PRINTER, residing at No. 4, Pemberton Row, Gough Square, in the Parish of St. Bride, in the City of London, at his Printing Office, situate No. 5, Pemberton Row aforesaid; and Published at No. 3, CHANCERY-LANE, in the Parish of St. Dunstan in the West, in the City of London, by HENRY SWEET, LAW BOOKSELLER and PUBLISHER, residing at No. 11, John Street, Bedford Row, in the County of Middlesex. Saturday, May 30, 1846.



# The Jurist

No. 491—VOL. X.

JUNE 6, 1846.

PRICE 1s.

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LONDON, JUNE 6, 1846.

At a time when so much English capital is engaged in Railroad Companies in France, and when it is likely that such investments will become more and more extended, we shall, we think, be doing service to our readers, by bringing under their attention the general state of the French law of partnership.

By the French code (Code de Commerce, liv. 1, tit. 3, s. 1) three regular species of partnership are recognised.

The first, termed "*société en nom collectif*," is that which is formed between two or more persons, having for its object to trade under a style or firm. These partnerships are constituted by deed, which may be either a public deed, that is, a deed passed by public officers, having certain powers, (see Code Civil, liv. 3, tit. 3, s. 1); or by private deed, which, to have full effect, must be executed pursuant to certain regulations contained in the Code Civil, (sect. 1325). The partnership termed "*société en nom collectif*" does not seem to differ from an ordinary English partnership. The persons whose names are contained in the partnership deed are all liable, to the extent of their respective estates, for all the contracts of the firm, even though such contract should be only signed by one of the partners, provided he has signed in the name of the firm.

The second kind of partnership regularly recognised by the French law, is that which is termed "*société en commandite*;" and this is the species of partnership which, we believe, is most frequently adopted in France for public undertakings.

The peculiarity of the "*société en commandite*" is this: it is a partnership composed of certain shareholders, who are individually liable for all the engagements of the partnership; and of certain others, who are in the nature of mere lenders of money to the partnership, and are only liable to the extent of the

money they have lent or contracted to lend, that is, to the extent of their shares. The shareholders generally responsible, are termed *solidaires* or *commandités*; and the shareholders responsible only to the extent of their shares, are termed *commanditaires*. Such partnerships are carried on under a style, which must be composed of the names of some one or more of the shareholders generally responsible; and it would be wrong to introduce into the ostensible names of the firm, the name of a shareholder *commanditaire*; to do so, with his acquiescence, would, in fact, make him a shareholder *commandité*, and liable for all the debts of the partnership. The management of the concerns of a partnership *en commandite*, is vested in the shareholders *commandités* exclusively; and this seems to be, in fact, the distinguishing attribute, in virtue of which the general liability arises; for, if a shareholder *commanditaire*, that is, not overtly and expressly put forward as a *commandité* or *solidaire*, does any direct or indirect act of management, he becomes liable immediately as a *solidaire* or *commandité*, that is, individually liable for all the debts and engagements of the partnership. The terms of the 27th and 28th sections of the Code de Commerce (liv. 1, tit. 3) on this point are as follows:—Sect. 27. A partner *commanditaire* may not do any act of management, nor be employed in or about the business of the partnership, even under a power of attorney. Sect. 28. In case of breach of the prohibition mentioned in the preceding article, the partner *commanditaire* is bound *solidairement*, that is, generally, with the partners generally responsible, for all the debts and engagements of the partnership.

It behoves, therefore, Englishmen taking shares as *commanditaires*, viz. mere shareholders, in a French company *par commandite*, to consider well what acts they do, savouring in the remotest degree of management, lest they render themselves partners liable to the

whole extent of their assets, for the engagements of the company. They must recollect, that, if the question arises in such a form that their liability would depend upon what is the French law, very slight acts of interference would seem to fall within the meaning of the 28th section of the Code de Commerce above cited.

The third species of regular partnership recognised by the French law is what is termed the "*société anonyme*." This species of partnership consists of partners, none of whom are liable beyond the extent of their shares. It cannot be formed without the special license of the Crown. It is managed by directors, who may or may not be shareholders, and are not personally liable in respect of their acts of management to third parties. It is not designated by the names of any shareholders, but by the name of the undertaking, as, for instance, "The Rouen Railroad Company," and not "Messrs. A., B., & C." Such a company seems to be nearly akin to our parliamentary or chartered joint-stock companies; its powers, liabilities, and modes of proceeding being regulated by a specific deed, which is in the nature of a royal charter.

There seems no great difficulty or danger attending the connexion with a *société anonyme*. As its powers are entirely regulated by a specific deed, which cannot have any legal existence, except pursuant to the royal license, it follows that acts inconsistent with the deed are mere nullities *quâ* acts of partnership; and, therefore, a shareholder in a *société anonyme* is tolerably safe, not being liable to be prejudiced by his own indiscretion; because, as the law is, and third persons are taken to know that the law is, that he can do no valid act except pursuant to the terms of the partnership deed, he may, speaking generally, commit any act of indiscretion, and, provided it be not sanctioned by the act or deed of partnership, it is, with regard to his partnership liability, as if he had done nothing. But, with regard to the *société en commandite*, it is quite otherwise. There the immunity of the partner *commanditaire* from general liability, depends entirely upon his doing no act of management. What is an act of management, the Code, in its beautiful and much-admired simplicity, wholly omits to describe; and, consequently, the only mode of securing absolute safety by the shareholder *commanditaire*, consists in abstaining from doing any act whatever, in which there is but the semblance of interference in the management.

It may be observed, with regard to an English shareholder *commanditaire*, in a French *société en commandite*, that, if he were to do in this country any act alleged to be an act of management, it seems doubtful, if the question of his liability had to be tried in any of our courts, to what extent it would, in fact, be tried according to the French law, or, at least, according to French principles of decision. It seems clear that any purely legal question would be decided according to the French law, the rules of which would be proved in the ordinary way, by the evidence of persons learned in the law of France. But the question, management or no management, would be a question of fact, and that, we apprehend, would be matter for the determination of the jury, if the case were such as to bring it into a court of law, or of the judge, if it came into equity. In effect, therefore, the decision would be half English

and half French: French, so far as the rule of law is concerned; English, so far as the facts, and the rules of evidence applied to the proof of the facts are concerned.

The result of this inquiry is, that, as already observed, English shareholders *commanditaires*, in French companies *en commandite*, should be very cautious in their proceedings, and not forget, that, by very slight acts, they may convert themselves, from persons liable only to the extent of their shares, into partners in the strongest English sense of the word.

The Editors of THE JURIST regret to find that a paper printed ante, p. 183, referring to a pamphlet by Mr. Swinburne, has been thought by that gentleman to misrepresent or misapprehend his views and arguments. We are unable ourselves to perceive the misrepresentation or misapprehension, and must, therefore, beg such of our readers as take an interest in the subject, to compare the pamphlet and the paper in question, and judge for themselves.

### ON ASSETS BY DESCENT.

The following observations are intended as in some degree supplementary to two papers which some time since appeared in THE JURIST "On Descent among Coparceners," and "On the Courtesy of the Husband of a Coparcener." In reply to the extended correspondence to which these papers have given rise, the writer begs leave simply to request the readers of THE JURIST to peruse the papers. The two positions which the writer believes to be the best established are those which have been the most attacked, namely, that, under the old law, when descent was traced from a parent, the issue of a daughter were entitled by representation to the entire share which such daughter would still have held had she not died, to the exclusion of a surviving sister\*; and that, under the new law, the purchaser only can be the stock of descent, or that all lands must descend to his heirs as such. In support of the former of these positions the writer has no further authority to offer, and he has not been furnished with any opposing authority which he might discuss. In support of the latter, he might, perhaps, have obviated opposition by referring to the 3rd section of the Act for the Amendment of the Laws with respect to Wills, (stat. 7 Will. 4 & 1 Vict. c. 26), which was passed when the Act to amend the Law of Inheritance had been in operation for above three years, and which seems to contain a parliamentary exposition of the latter statute. The Wills Act enacts, (sect. 3), "that it shall be lawful for every person to devise, bequeath, or dispose of, by his will, executed in manner hereinafter required, all real estate and all personal estate which he shall be entitled to, either at law or in equity, at the time of his death, and which, if not so devised, bequeathed, or disposed of, would devolve upon the heir-at-law or customary heir of him, or, if he became entitled by descent, of his ancestor, or upon his executor or administrator." The insertion of the words in italics would have been erroneous, if lands descended do not always devolve on the heir of the ancestor as such. According to the opposing theory, the words should have been, "if he became entitled by descent, and did not gain an actual seisin, or do anything equivalent thereto." For, according to the old law, in such event, and in such event only, did lands descend to the heir of the ancestor as such; and

\* [We understand, that, in a case which occurred under the old law, of a descent of a reversion to two daughters, one of whom died without having acquired seisin, leaving issue, the late Mr. Duval and another learned conveyancer now living gave opinions to the effect that the surviving daughter was entitled by descent to three-fourths of the entire estate.—Ed.]

the theory in question asserts, that, in this respect, the old law has not been changed. The act we have cited, however, draws a distinction between the heirs of the testator and the heirs of his ancestor, and implies that lands will devolve on the heir of the owner only when he has not become entitled by descent; and when he has become entitled by descent, they will always devolve on the heir of his ancestor, (the purchaser). The heir of a person must always mean his heir *as such*, and not as heir to anybody else, unless the context shews a contrary intention.

It seems clear, therefore, that, when Parliament enacted, that, in every case, descent shall be traced from the purchaser, and explained descent to mean "the title to inherit land by reason of consanguinity," that it intended to enact, that, in every case, the purchaser only should be the stock of descent, to whose heirs, as such, all hereditaments should descend; and that it did not intend to enact, that, in every case, the title should be traced from the same person as before the act, but that such persons should be his heirs as would have been entitled if the title to inherit *had been* traced from the purchaser.

The latter view of the case seems, however, to have been suggested through fear of some inconveniences with respect to "assets by descent," which might arise from the adoption of the more obvious construction. It may, therefore, perhaps, be desirable, first, to give a short statement of the doctrine of the common law on this subject, and, secondly, to consider what alterations have been made by the Act to amend the Law of Inheritance.

At the common law, then, whenever any person bound his heirs by any deed, specially executed for the purpose, to pay a debt or perform a contract, the heir of such person was liable to pay the debt or to perform the contract to the extent of the value of the hereditaments which descended from such person to the heir, but no further. If the heir was not bound by deed, or if no hereditaments descended to him from the person who executed the deed, he was under no liability, because he had no *assets* by descent; that is, he had not enough (*assez*) descended to him to render him liable. This being the state of the law, it was soon decided, that, if a person bound his heirs by deed to pay a debt, and lands of sufficient value descended from him to his heir, it was not competent to the heir to avoid his liability, by neglecting or refusing to enter upon the lands. (Year-book, 42 Edw. 3. 10 b). In such a case the heir might have obtained an actual seisin at his will, and it was, consequently, just that his liability should not be defeated by his own obstinacy or neglect; but until entry it is evident that the heir had only a seisin in law. Hereditaments, therefore, of which the heir had only a seisin in law, were assets by descent to answer to debts of the ancestor from whom they descended, if such debts were secured by specialty binding his heirs.

But, supposing the heir should himself have died before he had taken possession of the lands, and should in his lifetime have executed specialties binding *his* heirs to the payment of debts, the question then arose whether the *next* heir was liable or not to pay such debts in respect of the lands descended to him. And it was determined that such next heir was under no liability to pay such debts; for the maxim was, "*Seisina facit stipitem*;" and, as the mesne or intermediate heir had not been actually seised, the descent was traced to the next heir, not from the mesne heir as the stock of descent, but from the ancestor who was last seised. In this case, therefore, the last heir was *not* bound to pay the debts of his immediate predecessor, because the lands which descended did not descend *from him*, but from the ancestor last seised. So that, if there had been a grandfather, father, and son, and the grandfather had

died seised of lands in fee simple, and the father had bound himself and his heirs in a bond, and had then died before entering on the lands, the son would *not* have been bound, in respect of these lands, to pay his father's bond debt, because he "*made himself heir to*," or traced his descent from, his grandfather, who was last seised. (Hale, MSS.; Co. Litt. 11. b., n. (3)).

If the lands had been in the occupation of a tenant for years, the case would have been different; for the possession of every tenant for years is, in the eye of the law, the *actual* possession of the freeholder, even though the latter should get no rent. In such a case, therefore, the father, or mesne heir, would have been considered as actually seised, and the lands would, on his death, have descended to the son as *his* (the father's) heir, and not as heir to the grandfather. Such lands, therefore, would have constituted assets by descent, in respect of which the son would have been bound to pay his father's debts secured by bond in which his heirs were bound. (*Bushby v. Dixon*, 3 B. & C. 298).

If the lands had been let to a tenant for the term of his life, another state of circumstances would have arisen. The tenant having an estate of freehold would have been *seised* of the lands, and nothing would have been left to descend but a reversion expectant on this estate. This reversion, however, was itself an estate of inheritance in lands, vested in the owner, grantable by deed with the tenant's attornment, and possessing a value as actual property. It was accordingly considered as *assets* by descent; that is, if the lessor had bound his heirs in an obligation or bond, the heir of the lessor was liable on the bond to the value of the reversion which descended *from* his ancestor to him. (See *Tyndal v. Warre*, Jac. 212). In this case no question could arise as to the heir's liability in case of his neglecting to obtain actual seisin; for the seisin of the land belonged to the tenant for life, and whilst he was thus seised no one else could be. The heir of the reversioner who had granted the lease was at once liable to the debt in respect of the reversion which descended from his ancestor.

Suppose, however, that the heir, whilst the reversion was thus vested in him, had himself entered into a bond, in which he had bound *his* heirs to the payment of money. The reversion vested in him was evidently, to all intents and purposes, his own property. It would have been bound by his judgment debts; (*Giffard v. Barber*, 2 Cru. Dig., tit. "Reversion," s. 38; S. C., 4 Vin. Abr. 461; 1 Ves. sen. 174); but what was the law with respect to his bond? The law was this: that the reversion was *not* assets to render the next heir liable on such bond. (Watk. Descents, 118, 4th ed.; *Giffard v. Barber*, ubi supra). And why? Simply because the descent of the reversion was traced, on the heir's decease, *not from him*, but from the original lessor. The maxim "*Seisina facit stipitem*" could not apply; for the tenant for life alone was seised, and the original ancestor, consequently, still continued to be the stock of descent. The next heir, therefore, though he had the reversion as assets by descent, had it not by descent from the mesne heir, but from the original ancestor. To such ancestor's debts he certainly was liable, but not to the debts of any intermediate heir in whom the reversion might have vested in its course of descent from the original ancestor.

Let us now endeavour to apply these principles to the altered state of things produced by the Act for the Amendment of the Law of Inheritance, (3 & 4 Will. 4, c. 106). This act enacts, that, in every case, descent shall be traced from the purchaser, (sect. 2); and it explains descent to mean "the title to inherit land by reason of consanguinity." (Sect. 1). The title of every heir to inherit is, therefore, to be traced from the purchaser. This we have considered to be equivalent to saying, in the language of the old books, that the person

to inherit must "make himself heir" to the purchaser, or that the purchaser is to be "the stock of descent." To this, however, it is objected, that, according to this interpretation, lands which have been inherited will not be assets by descent. The gist of the objection seems to be this: that lands of which the heir was seised, which he enjoyed during his lifetime, and might have disposed of by deed or will, will yet, on his decease, descend to the next heir of the purchaser discharged from any liability at law in respect of the bond debts of the intermediate heir. No doubt, this must be admitted as a result of our construction of the enactment. But it will be seen that such a consequence is not an inconvenience altogether unknown to the law as it stood before the passing of the act. A reversion expectant on an estate of freehold was then in the same predicament as an estate in possession is now. The reversion was real property belonging to the heir, and vested in him; and yet it was not assets to pay his bond debts, because the descent of it was not traced from him, but from his ancestor. Surely, then, it is better to adopt the plain and obvious meaning of the act, than to wrest its language for the purpose of avoiding an inconvenience, which in some cases existed before.

Practically, however, the inconvenience in question does not seem to have any existence; for, at the same time that the act passed for the amendment of the law of inheritance, was passed the "Act to render Freehold and Copyhold Estates Assets for the Payment of simple Contract Debts," 3 & 4 Will. 4, c. 104. This act enacts, that, "where any person shall *die seised of or entitled to any estate or interest in lands, tenements, or hereditaments, corporeal or incorporeal, or other real estate, whether freehold, customaryhold, or copyhold, which he shall not, by his last will, have charged with or devised subject to the payment of his debts, the same shall be assets*, to be administered in courts of equity, for the payment of the just debts of such persons, as well debts due on simple contract as on specialty." This act, it will be remarked, merely requires a dying seised of or entitled to the lands, in order to render them assets for the payment of the debts of the owner. This act, therefore, appears to have obviated all the inconvenience in this respect which the act to amend the law of inheritance would otherwise have caused. Whether the property in question be an estate in possession or reversion, the mere circumstance of the heir having died seised of or entitled to it will render it assets to be administered in equity for the payment of his debts. If, therefore, creditors, having bonds binding the heirs of their deceased debtor, are deprived by the Act to amend the Law of Inheritance of their *legal* remedy, in respect of lands which descended to such debtor, the act of even date gives them instead a remedy in equity. And this remedy is equal to their former remedy at law; for the act provides, that, in the administration of assets by courts of equity, under the act, all creditors by specialty in which the heirs are bound shall be paid the full amount of the debts due to them, before any of the creditors by simple contract or by specialty in which the heirs are not bound shall be paid any part of their demands.

Between this proviso and the clause we first cited is a clause rendering *the heir and devisee of the debtor* liable to the same suits in equity, at the suit of any of the creditors of the debtor, *whether creditors by simple contract or by specialty*, as the heir or devisee of any person who died seised of freehold estates was, before the passing of the act, liable to in respect of such freehold estates, at the suit of *creditors by specialty in which the heirs were bound*. This clause certainly appears to be strictly applicable only to cases in which the debtor was the purchaser of the lands, for it mentions only the heir of the debtor. But it seems impossible, on this account, to consider the clause as in any way restrictive of the

sweeping remedial enactment by which it is preceded. Creditors having specialties binding the heirs of their debtor were certainly intended to be benefited by the act, for it gives them a claim in respect of copyhold lands which they did not possess before. A remedial act is to be construed liberally; and a further clause, applicable only to certain cases, ought not to be considered as narrowing the comprehensive remedy plainly furnished by the preceding enactment.

From the whole there is one conclusion to be drawn, in which all will most probably agree, and that is, that the Act for the Amendment of the Law of Inheritance is one of those amendments of the law which greatly needs to be itself amended.

J. W.

### COURT OF QUEEN'S BENCH. TRINITY TERM.—9 VICTORIA.—June 2.

This Court will, on Saturday the 13th, Monday the 15th, Saturday the 20th, and Monday the 22nd day of June instant, and the five next following days, hold sittings, and will proceed in disposing of the business in the Special Paper and New Trial Paper, and in giving judgment in cases then pending.

BY THE COURT.

June 2.—Lord Denman, C. J., delivered the judgment of the court in the following cases:—

Dolby v. Rimington—Judgment for plaintiff.  
May v. Burdett—Rule discharged.  
Wakefield v. Brown—Judgment for plaintiff.  
Barley v. Walford—Judgment for plaintiff.  
Petch v. Lyon—Rule discharged.

### COURT OF EXCHEQUER. TRINITY TERM.—9 VICTORIA.—June 4.

This Court will, on Thursday the 18th day of June instant, hold sittings, and will proceed in disposing of the business then pending in the New Trial Paper and Special Paper, on the said 18th day of June and on the two following days, and on Monday the 22nd day of June instant and the five following days, and on Monday the 29th day of June instant and the five following days.

BY THE COURT.

Read in open court,  
E. Bennett.

### London Gazettes.

TUESDAY, JUNE 2.

#### BANKRUPTS.

EDWARD CLARK, Mortimer-road, Kingland-road, Middlesex, builder, June 12 at 11, and July 14 at half-past 11, Court of Bankruptcy, London: Off. Ass. Alsager.—Fiat dated May 23.

THOMAS ROBERTS and JOHN TIDCOMBE HAZARD, College-hill, London, paper agents, stationers, dealers and chapmen, June 12 and July 10 at 11, Court of Bankruptcy, London: Off. Ass. Belcher: Sol. Wollen, 30, Bucklebury.—Fiat dated May 25.

JAMES BIRD, Club-row, Bethnal-green, Middlesex, timber merchant, June 11 at 12, and July 14 at 11, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Taylor, 38, Moorgate-street.—Fiat dated May 26.

CHARLES AIRS, Newport, Isle of Wight, Southampton, innkeeper, June 11 at 1, and July 13 at 11, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Wilde & Co., College-hill.—Fiat dated May 15.

CHARLES HARRIS, Sheffield, tailor, dealer and chapman, June 19 and July 3 at 11, Cutlers'-hall, Sheffield: Off. Ass. Freeman; Sols. Binney, Sheffield; Pike, Old Burlington-street, London.—Fiat dated May 25.

**HENRY SHAW**, Gerrard-street, Islington, Southampton-row, Russell-square, and Sloane-street, Chelsea, Middlesex, china and glass dealer, dealer and chapman, June 9 at half-past 1, and July 14 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Venning & Co., Tokenhouse-yard.—Fiat dated May 26.

**BENJAMIN FENWICK**, Newcastle-upon-Tyne, linen draper, dealer and chapman, June 12 at 11, and July 29 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Kent, Newcastle-upon-Tyne; Nicholls & Doyle, Bedford-row, London.—Fiat dated May 27.

**GEORGE STEELE**, Durham, grocer and flour dealer, (carrying on business under the name of Steele & Co.), June 12 and July 28 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Wakley; Sols. Smith, Durham; Harle, Newcastle-upon-Tyne; Rogerson, 50, Lincoln's-inn-fields, London.—Fiat dated May 28.

**ANTHONY BIRCH**, Birmingham, grocer, June 10 at 1, and July 10 at half-past 10, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sols. Bray, Birmingham; Hill & Matthews, St. Mary Axe, London.—Fiat dated May 19.

**MATTHEW CHAPMAN**, Devonport, Devonshire, painter, glazier, and paper hanger, dealer and chapman, June 16 at 11, and July 16 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Herniman; Sols. Little, Devonport; Stogdon, Exeter; Soles & Turner, Aldermanbury, London.—Fiat dated May 25.

**RANDLE BOWER**, Heyrod and Black Rock-mills, near Stalybridge, Lancashire, cotton spinner and manufacturer, June 17 and July 6 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Atkinson & Co., Manchester; Abbott, 10, Charlotte-street, Bedford-square, London.—Fiat dated May 27.

**JOHN NIELD**, Manchester, and Bank-mill, near Lees, Ashton-under-Lyne, Lancashire, and Saddleworth, Yorkshire, woollen manufacturer, dyer, and printer, June 13 at 11, and July 6 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Worthington & Co., Manchester; Fox, 40, Finsbury-circus, London.—Fiat dated May 26.

**JOHN HAYES**, Newton, Manchester, manufacturing chymist, dealer and chapman, June 18 and July 3 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Webster, Manchester; Austen & Hobson, Gray's-inn, London.—Fiat dated May 18.

**DAVID THOMSON**, Stanley Spring Bleach Works, Walmerley-cum-Shuttleworth, Bury, Lancashire, bleacher, June 13 and July 3 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Venables, Manchester; Milne & Co., Temple, London.—Fiat dated May 26.

#### METTINGS.

*Thos. Buttermere Waller and J. Waller*, Ipswich, Suffolk, grocers, June 15 at 11, Court of Bankruptcy, London, last ex.—*John Bird*, North Shields, Northumberland, linen draper, June 12 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—*Jas. Stutford*, Manchester, cotton spinner, June 15 at 12, District Court of Bankruptcy, Manchester, last ex.—*Thos. Redford*, Croydon-common, Surrey, baker, June 27 at 11, Court of Bankruptcy, London, and ac.—*Benj. Louis Meyer Rothchild*, Great Queen-st., Lincoln's Inn-fields, Middlesex, diamond merchant, June 23 at 12, Court of Bankruptcy, London, and ac.—*Geo. Langford*, Southampton, grocer, June 24 at 12, Court of Bankruptcy, London, and ac.—*John Jas. Clark*, Bath-road, Hounslow, and Twickenham-villas, Twickenham, Middlesex, and Durdham-down, Westbury-upon-Trym, Gloucestershire, builder, June 24 at 12, Court of Bankruptcy, London, and ac.—*Wm. Collins*, Rugby, Warwickshire, tailor, June 24 at half-past 12, Court of Bankruptcy, London, and ac.—*A. Duffield and Mark Duffield*, Slough, Buckinghamshire, ironmongers, June 24 at 1, Court of Bankruptcy, London, and ac.—*Jas. Bryant*, Mayfield, Sussex, draper, June 23 at 2, Court of Bankruptcy, London, and ac.—*Fred. Day*, Hemel Hempstead, Hertfordshire, money scrivener, June 23 at 1, Court of Bankruptcy, London, and ac.—*John Dutt*, Upper-st., St. Mary, Islington, Middlesex, carpenter, June 25 at 12, Court of Bankruptcy, London, and ac.—*J. Biggs*, Houndsditch, London, undertaker, June 25 at 11, Court of Bankruptcy, London, and ac.; at half-past 1, div.—*Rich. Brails-*

*ford*, Enfield, Middlesex, common brewer, June 30 at 11, Court of Bankruptcy, London, and ac.—*Hen. Ward*, Widdford-mill, near Burford, Oxfordshire and Gloucestershire, and Ludgate-st., London, paper manufacturer, June 25 at 1, Court of Bankruptcy, London, and ac.—*Ed. Speller*, Berners-st., Oxford-st., Middlesex, tea dealer, June 25 at 11, Court of Bankruptcy, London, and ac.—*Wm. Hen. Bond*, Bow-lane, Cheapside, London, ale merchant, June 25 at 11, Court of Bankruptcy, London, and ac.; June 29 at half-past 12, div.—*Williams Aslett*, Bitterne, South Stoneham, Southampton, grocer, June 25 at 11, Court of Bankruptcy, London, and ac.; June 29 at 12, fin. div.—*William Humphryes*, Haymarket, Middlesex, hotel keeper, June 25 at 11, Court of Bankruptcy, London, and ac.—*Rob. Clifton*, Brandon, Suffolk, brewer, June 29 at half-past 11, Court of Bankruptcy, London, and ac.—*J. Brooks and Jas. Brooks*, Glastonbury, Somersetshire, curriers, June 26 at half-past 12, District Court of Bankruptcy, Bristol, and ac.—*W. Kelly*, Chester, common brewer, June 23 at 12, District Court of Bankruptcy, Liverpool, and ac.—*J. Taylor*, Liverpool, merchant, June 23 at 11, District Court of Bankruptcy, Liverpool, and ac.—*S. Archer*, Rochdale, Lancashire, woollen manufacturer, June 23 at 12, District Court of Bankruptcy, Manchester, and ac.; June 25 at 12, div.—*Benj. Wood* the younger, Leeds, Yorkshire, wine merchant, June 23 at 11, District Court of Bankruptcy, Leeds, and ac.; June 25 at 11, div.—*Sophia Burton and John Burton*, Kingston-upon-Hull, chemists, June 24 at 11, Town-hall, Kingston-upon-Hull, and ac.—*Jas. Imray*, Old Fish-street-hill, Upper Thames-st., and Minorities, London, cloth seller, June 23 at half-past 12, Court of Bankruptcy, London, div.—*James Balls*, Holloway-road, Islington, Middlesex, livery-stable keeper, June 23 at 12, Court of Bankruptcy, London, div.—*Jos. Thompson*, Norwich, grocer, June 23 at 11, Court of Bankruptcy, London, div.—*Wm. Morphew*, Sevenoaks, Kent, linen draper, June 23 at 11, Court of Bankruptcy, London, div.—*Geo. Davis*, High-st., Southwark, Surrey, saddler, June 23 at half-past 1, Court of Bankruptcy, London, div.—*Abraham Stevens Syer*, Sudbury, Suffolk, grocer, June 25 at 1, Court of Bankruptcy, London, div.—*Jos. Whitmore*, Strand, Middlesex, proprietor of the Illustrated Weekly Times, June 25 at 2, Court of Bankruptcy, London, div.—*Hen. Fricker*, Southampton, innkeeper, June 25 at 1, Court of Bankruptcy, London, div.—*Thos. Nichols*, Dowgate-hill, London, carman, June 25 at 12, Court of Bankruptcy, London, div.—*Rich. More and Benj. Wm. Blake*, Norwich, coal merchants, June 26 at 1, Court of Bankruptcy, London, div.—*Benj. Chandler*, Stanmore, Middlesex, ironmonger, June 26 at 12, Court of Bankruptcy, London, div.—*Wm. Grosvenor*, Shetton, and Hanley, Stoke-upon-Trent, Staffordshire, ironfounder, June 24 at 12, District Court of Bankruptcy, Birmingham, and ac. and div.—*Thos. Snaith and Geo. Snaith*, Bishop Auckland, Durham, ironmonger, June 25 at half-past 10, District Court of Bankruptcy, Newcastle-upon-Tyne, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on the Day of Meeting.*

*Edw. Sankey*, Canterbury, surgeon, June 26 at half-past 11, Court of Bankruptcy, London.—*Jas. Nunn*, Baker-st., Portman-square, Middlesex, haberdasher, June 29 at half-past 12, Court of Bankruptcy, London.—*Henry Chas. Langley*, Suffolk-place, Hackney-road, Middlesex, apothecary, June 23 at half-past 12, Court of Bankruptcy, London.—*Thomas Blackman*, Beddenden, Kent, land agent, June 23 at 12, Court of Bankruptcy, London.—*Thos. Creadson*, Liverpool, stock broker, June 23 at 11, District Court of Bankruptcy, Liverpool.—*Jos. E. West and Hen. Tennant*, Leeds, Yorkshire, stock brokers, June 25 at 11, District Court of Bankruptcy, Leeds.—*William Grosvenor*, Shetton and Handley, Stoke-upon-Trent, Staffordshire, iron founder, June 24 at 1, District Court of Bankruptcy, Birmingham.—*Chris. Stephenson*, Colne, Lancashire, worsted manufacturer, June 25 at 12, District Court of Bankruptcy, Manchester.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before June 23.*

*Jesse Hall*, Rochdale, Lancashire, share broker.—*Samuel Littler*, Liverpool, draper.—*John Roberts*, Plasyn Derwen, farmer.—*Chas. H. Waters*, Queen's-row, Piccadilly, Middlesex, dealer in paintings.—*Wm. Fordyce*, Newcastle-upon-Tyne,

bookseller.—*Rich. Edwards*, Huddersfield, Yorkshire, woollen draper.—*John Littlewood*, New Bond-street, St. George, Hanover-square, Middlesex, hosier.—*Jas. Riding and James Fielding*, Leyland, Lancashire, cotton manufacturers.—*John C. Chambers*, Ipsley, Warwickshire, needle manufacturer.—*Rob. Geo. Spedding*, Queen-st., Cheap-side, and Bush-lane, Cannon-st., London, zinc manufacturer.

#### PARTNERSHIP DISSOLVED.

*Hen. John Munt and Hen. J. Harvey*, Bath, Somersetshire, and Box, Wiltshire, attorneys, solicitors, and conveyancers.

#### SCOTCH SEQUESTRATIONS.

*Thos. Moncur*, Montrose, glass merchant.—*Alex. Murray*, Esq., dec., Cally, near Gatehouse, Fleet, Member of Parliament for the Stewartry of Kirkcudbright.—*Angus M'Callum & Co.*, Glasgow, merchants.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*William Baden*, Star-st., Paddington, Middlesex, oil and colour man, June 9 at half-past 12, Court of Bankruptcy, London.—*John Peirce*, Hoxton Old-town, Middlesex, leather enameller, June 9 at half-past 12, Court of Bankruptcy, London.—*Alfred Swift*, Bearland's-farm, Frant, Sussex, miller, June 9 at half-past 11, Court of Bankruptcy, London.—*Wm. Jas. Hannam Golding*, Bird-st., Oxford-st., Middlesex, stationer, June 9 at 12, Court of Bankruptcy, London.—*Wm. Powell*, Coppice-row, Clerkenwell, Middlesex, undertaker, June 6 at half-past 2, Court of Bankruptcy, London.—*Donald M'Pherson*, Ipswich, Suffolk, auctioneer, June 6 at half-past 1, Court of Bankruptcy, London.—*Henry Long*, Ryder's-court, Leicester-sq., Middlesex, general salesman, June 6 at 2, Court of Bankruptcy, London.—*Shepherd Knowling*, Colchester, Essex, baker, June 11 at 11, Court of Bankruptcy, London.—*John W. Smith*, High-st., Peckham, Surrey, tailor, June 11 at 12, Court of Bankruptcy, London.—*Wm. Thos. Ayres*, Redcross-st., Southwark, Surrey, carpenter, June 11 at 11, Court of Bankruptcy, London.—*Rich. May*, Star-st., Paddington, Middlesex, boot maker, June 11 at 11, Court of Bankruptcy, London.—*Isaiah Bartlett*, Oxford-place, Waterloo-road, Surrey, coach smith, June 11 at 11, Court of Bankruptcy, London.—*William Palmer*, Bennett-street, Stamford-st., Blackfriars, Surrey, watch maker, June 11 at 12, Court of Bankruptcy, London.—*Edw. Edwards*, Devonshire-terrace, New North-road, Middlesex, corn dealer, June 11 at 12, Court of Bankruptcy, London.—*Nicholas Purcell*, Lower Tooting, Surrey, innholder, June 6 at 1, Court of Bankruptcy, London.—*John Fox*, Mayfield-street, Dalston, Middlesex, accountant, June 16 at 11, Court of Bankruptcy, London.—*Julius Henochberg*, Theobald's-road, Holborn, Middlesex, dealer in eau de Cologne, June 11 at 12, Court of Bankruptcy, London.—*John Hen. De Burgh*, lieutenant on half-pay of the 21st Light Dragoons, June 16 at 11, Court of Bankruptcy, London.—*Sarah Hills*, Holles-st., Cavendish-square, Middlesex, dealer in papier mache, June 4 at 11, Court of Bankruptcy, London.—*Geo. Hen. Bush*, Seymour-place, Bryanstone-square, Middlesex, out of business, June 6 at 2, Court of Bankruptcy, London.—*John Fisher Grist*, Bath, Somersetshire, licensed victualler and innkeeper, June 11 at half-past 12, District Court of Bankruptcy, Bristol.—*J. Jones*, Bristol, stone mason, June 11 at 12, District Court of Bankruptcy, Bristol.—*William Hall*, Midford, Charterhouse Hinton, Somersetshire, billiard maker, June 12 at 12, District Court of Bankruptcy, Bristol.—*Mansell Rawleigh Dawkin*, Cardiff, Glamorganshire, ship broker, June 19 at 12, District Court of Bankruptcy, Bristol.—*Ebenezer J. Worsfor*, Bryncairai, Llanelly, Carmarthenshire, officer of excise, June 19 at 11, District Court of Bankruptcy, Bristol.—*H. M'Conn*, Manchester, plasterer, June 9 at 12, District Court of Bankruptcy, Manchester.—*Robt. Smith*, Ramsbottom, Lancashire, June 13 at 12, District Court of Bankruptcy, Manchester.—*Jos. Hartley*, Bower-house Fold, Livesey, Lancashire, power loom weaver, June 9 at 12, District Court of Bankruptcy, Manchester.—*John Wilson*, Bingham, Nottinghamshire, bricklayer, June 13 at 12, District Court of Bankruptcy, Birmingham.

*Saturday, May 30.*

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*Ebenezer Stevens*, Slater-street, Brick-lane, Bethnal-green,

Middlesex, corn dealer, No. 58, 121 T.; *Felix Lewis*, assignee.—*J. Yelland*, Ecclesfield, near Sheffield, Yorkshire, butcher, No. 66, 730 C.; *James Machen*, assignee.—*William Burton*, Bow-lane, Cheap-side, London, cheesemonger, No. 58, 213 T.; *Joseph Strong*, assignee.—*Ann Eliza Stockley*, Bedford-place, Southwark-bridge-road, Surrey, No. 58, 158 T.; *Edward Lawrence*, assignee.—*Richard Moorhouse*, Height-side, near Padham, Lancashire, cattle dealer, No. 67, 253 C.; *George Badd*, assignee.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Tuesday, June 16, at 9.*

*Henry Nias*, Edmonton, Middlesex, surgeon.—*T. George Martin*, Champion-pl., Cold-harbour-lane, Camberwell, Surrey, out of business.—*Wm. May*, John-street, Park-place, Lock's-fields, Walworth, Surrey, carman.—*Ch. Weir*, Greenwich, Kent, clerk to a surveyor.—*D. Abraham Clashofski*, Fort-street, Spitalfields, Middlesex, fancy trimming manufacturer.—*John Wolsey*, Oxford-street, Middlesex, house agent.

*Court-house, WAKEFIELD, Yorkshire, June 13 at 10.*

*Richard Shepard*, Clayton Heights, near Bradford, Yorkshire, stuff manufacturer.

*Court-house, OXFORD, (County), June 15 at 10.*

*Jehu Hall*, Oxford, carpenter.

*Court-house, KINGSTON-UPON-HULL, June 16 at 10.*

*Wm. Grantham*, Kingston-upon-Hull, lace dealer.—*Henry Scott*, Hedon New-road, attorney at law.

*Court-house, WORCESTER, (County), June 17, at 10.*

*S. Peakman*, Rednall, near Bromsgrove, school mistress.

*Court-house, HEREFORD, June 18 at 10.*

*Henry Harvey*, Hereford, saddler.

*Court-house, YORK, June 17 at 10.*

*Martin Redding*, Bridlington-quay, private in her Majesty's coast guard service.—*John Wilson*, Guisborough, waggoner.—*Christopher Webster*, Middleborough, joiner.—*Wm. Drew*, Nether Silton, near Thirsk, labourer.—*Wm. Henry Dale*, Bridlington, out of business.—*Jasper Barugh*, Stokesley, out of business.—*Thos. Harrison*, Dalton in Gayles, near Richmond, labourer.—*Wm. Henderson*, Malton-road, near York, shoemaker.—*George Pulleyn*, Skeldergate, out of business.—*G. James Fenton*, York, attorney's clerk.—*J. Larkins*, Goodramgate, shoemaker.—*James Stones*, York, glass dealer.—*P. Theakston*, Petergate, painter.

#### FRIDAY, JUNE 5.

##### BANKRUPTS.

**EDWARD CLARK**, Mortimer-road, Kingaland, Middlesex, builder, June 12 at 11, and July 14 at half-past 11, Court of Bankruptcy, London: Off. Ass. Alsager; Sol. Wickings, 3, Finsbury-terrace, City-road.—Fiat dated May 23.

**CHARLES GORDON MATTHEW JOHN HOPKINS**, Portman-street, Portman-square, Middlesex, tailor and draper, June 16 at half-past 1, and July 14 at 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Mead, 45, Bedford-row.—Fiat dated May 28.

**WILLIAM MITCHELL**, Finsbury-place South, London, also of Upper Fitzroy-street, Fitzroy-square, Middlesex, and Kent-street, Southwark, Surrey, furniture dealer, June 10 at half-past 10, and July 3 at 10, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Kinsey, 20, Bloomsbury-square.—Fiat dated May 30.

**WILLOUGHBY MARSHALL SMITHSON**, Saint Paul, near Canterbury, printer and publisher, dealer in railway shares, dealer and chapman, June 16 at half-past 12, and July 16 at 11, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Lewis, Warwick-court, Gray's-inn.—Fiat dated June 2.

**JOHN BODDINGTON**, Manchester, corn, hop, and provision dealer, dealer and chapman, June 17 at 11, and July 30 at 11, Court of Bankruptcy, London: Off. Ass. Green; Sols. Russell & Co., High-street, Southwark.—Fiat dated May 25.

**JAMES CONLEN**, Cheltenham, Gloucestershire, woollen draper, June 19 and July 21 at 1, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sol. Dowling, Gloucester.—May 27.

**JOHN SOLOMON**, Exeter, outfitter, dealer and chapman, June 17 at 11, and July 16 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. Stogdon, Exeter; Jones, 15, Sise-lane, London.—Fiat dated May 27.



**ROBERT SHEEL**, Wilsted-street, Somers'-town, Middlesex, grocer and tea dealer, June 15 at half-past 2, and July 20 at half-past 11, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Hill & Co., St. Mary Axe.—Fiat dated June 2.

**JOHN DAVIS PAINE**, Hatcham, Surrey, publisher, and of Duke-street, Westminster, Middlesex, copper-plate and lithographic printer, picture frame dealer, dealer and chapman, June 15 at 3, and July 20 at 12, Court of Bankruptcy, London: Off. Ass. Turquand; Sol. Richardson, Coleman-street.—Fiat dated June 3.

**PAUL SHAWSON** and **THOMAS BEESTON YOUNG**, Louth, Lincolnshire, chymists, druggists, brokers, dealers and chapmen, (carrying on business under the firm of Shawson & Young), June 17 and July 8 at 11, District Court of Bankruptcy, Kingston-upon-Hull: Off. Ass. Kynaston; Sols. Wilson, Binbrook; Humphreys & Co., Chancery-lane, London.—Fiat dated May 23.

**HODGSON STELLING**, Well, Yorkshire, wool comber, top maker, dealer and chapman, June 16 and July 13 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Cariss, Leeds; Williamson & Co., Gray's Inn, London.—Fiat dated May 30.

**WILLIAM NORTCLIFFE**, Thornhill Briggs, Halifax, Yorkshire, and Manchester, dyer, stover, and stuff manufacturer, (under the style or firm of William Nortcliffe & Co.), June 15 and July 13 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Battyes & Co., Huddersfield; Jacques & Co., Ely-place, London.—Fiat dated May 22.

**JOHN BEETHAM**, Richmond, Yorkshire, gun maker, dealer and chapman, June 16 and July 7 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Harle, Leeds; Kirk, Symond's Inn, London.—Fiat dated May 30.

**ROBERT BLEAKLEY**, Liverpool, bricklayer, builder, and publican, June 16 and July 9 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Green, Liverpool; Gregory & Co., Bedford-row, London.—Fiat dated May 29.

#### MEETINGS.

*On Thomson and Jas. F. Forbes*, Cratched-friars, London, on motions, June 23 at 11, Court of Bankruptcy, London. *pr. Geo. Davies*, Borough High-street, Southwark, Surrey, miller, June 23 at half-past 1, Court of Bankruptcy, London, last ex.—*Aug. Thos. A. Berfield*, Bristol, artist, June 23 at 12, District Court of Bankruptcy, Bristol, last ex.—*John Hwerth*, Rochdale, Lancashire, woollen manufacturer, June 17 at 12, District Court of Bankruptcy, Manchester, last ex.—*Chas. Hem. Cartwright*, Warrington, Lancashire, grocer, June 17 at 12, District Court of Bankruptcy, Manchester, last ex.—*Sam. Pritchett* and *Jos. P. Oridge*, Charlbury, Oxfordshire, glove manufacturers, June 27 at 11, Court of Bankruptcy, London, and. ac.—*Eliz. S. Dykes*, Romford, Essex, basket maker, June 26 at half-past 12, Court of Bankruptcy, London, and. ac.—*Valentine Elkins*, Southampton-place, Euston-sq., and High-street, Mary-le-bone, Middlesex, coach maker, June 30 at 11, Court of Bankruptcy, London, and. ac.—*Alex. M. Beaumont*, Honley, Almondbury, Yorkshire, woollen cloth manufacturer, June 29 at 11, District Court of Bankruptcy, Leeds, and. ac.—*Owen Hughes*, Holyhead, Isle of Anglesea, Carnarvonshire, linen draper, June 30 at 11, District Court of Bankruptcy, Liverpool, and. ac.—*Robert Headington*, Bath and Liverpool, laceman, June 30 at 12, District Court of Bankruptcy, Liverpool, and. ac.—*John Veysey*, Exeter, hatter, June 30 at 11, District Court of Bankruptcy, Exeter, and. ac.; July 1 at 11, div.—*Thos. Oakley*, St. Alban's, Hertfordshire, farmer, June 30 at 12, Court of Bankruptcy, London, div.—*Lucy Williams*, Oxford, woollen draper, June 26 at half-past 1, Court of Bankruptcy, London, div.—*John Brooks* and *Jas. Brooks*, Glastonbury, Somersetshire, carriers, June 30 at 11, District Court of Bankruptcy, Bristol, div.—*Francis Ward*, Batley, Yorkshire, rag merchant, June 29 at 11, District Court of Bankruptcy, Leeds, div.—*Dev. Broadhead* and *Aug. John Halero*, Leeds, Yorkshire, stock brokers, June 29 at 11, District Court of Bankruptcy, Leeds, div.—*Benjamin Clark*, Leeds, Yorkshire, corn factor, June 29 at 11, District Court of Bankruptcy, Leeds, div.—*John Holroyd* and *Rob. S. Holroyd*, Soyland, Halifax, Yorkshire, cotton spinners, June 29 at 11, District Court of Bankruptcy, Leeds, div.—*Sophia Burton* and *John Burton*, Kingston-upon-Hull, chemists, July 1 at 11, District Court of Bankruptcy, Kingston-upon-Hull, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*Rob. Stephenson*, Southwick-street, Hyde-park, Middlesex, apothecary, June 26 at 11, Court of Bankruptcy, London.—*Thos. Williams*, Fenchurch-st., London, merchant, June 26 at 12, Court of Bankruptcy, London.—*Miles Griffith* and *Philip Pearson*, New Bond-street, Middlesex, tailors, June 26 at 11, Court of Bankruptcy, London.—*Rob. Weatherhog* and *Rich. Weatherhog*, Stone, Kent, farmers, June 26 at 1, Court of Bankruptcy, London.—*Thos. Metcalfe*, Princes-st., Red Lion-square, Middlesex, carpenter, June 26 at 2, Court of Bankruptcy, London.—*Wm. Mills*, Foster-lane, London, glove manufacturer, June 27 at 1, Court of Bankruptcy, London.—*Eliz. S. Dykes*, Romford, Essex, basket maker, June 26 at half-past 12, Court of Bankruptcy, London.—*Edward Morgan*, Lisson-street, St. Mary-le-bone, Middlesex, coach builder, June 26 at 1, Court of Bankruptcy, London.—*Phil. Kleft*, South-st., Manchester-sq., Middlesex, cheesemonger, June 26 at 12, Court of Bankruptcy, London.—*Robert W. Sheppard*, Ensham, Oxfordshire, innkeeper, June 26 at 12, Court of Bankruptcy, London.—*Edw. Doring*, Ipswich, Suffolk, Berlin wool dealer, June 29 at half-past 2, Court of Bankruptcy, London.—*John Barwise*, St. Martin's-lane, Middlesex, watch maker, June 30 at 11, Court of Bankruptcy, London.—*Valentine Elkins*, Southampton-place, Euston-sq., and High-st., Mary-le-bone, Middlesex, coach maker, June 30 at 11, Court of Bankruptcy, London.—*Ebenezer Henry Darden*, Pitchcomb-mill, Standish, Gloucestershire, manufacturing chemist, June 30 at 11, District Court of Bankruptcy, Bristol.—*Edwin Hoare*, Charlfield, Gloucestershire, foreman to a clothier, June 30 at 1, District Court of Bankruptcy, Bristol.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before June 26.*

*Joseph Scholefield*, Chespside, London, cutler.—*Michael Jones*, Theobald's-road, Middlesex, grocer.—*James Emmins*, Princes-road, Notting-hill, Kensington, Middlesex, builder.—*George Butler Earp*, London, ship broker.—*Henry Docker*, Pall-mall, Middlesex, oilman.

#### FIATS ANNULLED.

*Edward Few*, Manchester, cabinet maker.—*S. Knowles*, Exeter, common brewer.

#### SCOTCH SEQUESTRATIONS.

*Robert Walker*, Glasgow, warehouseman.—*A. Flockhart*, Kinross, tanner.—*Neill Macdonald*, Glasgow, plumber.—*G. Nicol*, Newburgh, corn merchant.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*John Skillinglaw*, Waterloo-place, Pall-mall, Middlesex, librarian to the Geographical Society, June 18 at 12, Court of Bankruptcy, London.—*George Francis Roberts*, Union-st., Southwark, Surrey, stationer, June 18 at 11, Court of Bankruptcy, London.—*Joseph Theodore Boiletti*, Brighton, Sussex, assistant to a hairdresser, June 18 at 11, Court of Bankruptcy, London.—*Richard Downes*, Gravel-lane, Southwark, Surrey, bedstead maker, June 18 at 12, Court of Bankruptcy, London.—*Margaret Jane Campbell*, Alfred-place, Bedford-square, Middlesex, widow, lodging-house keeper, June 18 at 11, Court of Bankruptcy, London.—*Richard Graves*, Arundel-court, Coventry-street, Haymarket, Middlesex, out of business, June 18 at half-past 11, Court of Bankruptcy, London.—*Robert Bowman* the elder, Fleet-street, London, carver, June 18 at 12, Court of Bankruptcy, London.—*Thos. Bull*, Union-road, Clapham-rise, Surrey, clerk to a civil engineer, June 18 at half-past 11, Court of Bankruptcy, London.—*Edward Springall*, Aisle, Norfolk, blacksmith, June 16 at 11, Court of Bankruptcy, London.—*Richard Cole*, Hatton-garden, Middlesex, smelling-bottle maker, June 18 at 11, Court of Bankruptcy, London.—*Wm. Andrew Hunter*, Smith-st., Jubilee-street, Stepney, Middlesex, wharfinger, June 18 at 12, Court of Bankruptcy, London.—*John Daniel Hayden*, Zoaf-place, Camberwell-lane, Brixton, Surrey, bread and biscuit baker, June 18 at 1, Court of Bankruptcy, London.—*Joshua Gooday*, Wickham Bishop, Essex, wheelwright, June 18 at 1, Court of Bankruptcy, London.—*James Sanders*, Kendrick's-place, Chancery-street, Bedford-square, Middlesex, carpenter,



June 16 at half-past 11, Court of Bankruptcy, London.—*John Ellis*, Little Clacton, Essex, farmer, June 18 at 12, Court of Bankruptcy, London.—*J. R. Turbock*, Bell-court, Milton-street, Cripplegate, London, clerk to a carman, June 18 at 11, Court of Bankruptcy, London.—*Wm. T. Cope*, Kingsland-row, Dalston, Middlesex, wine cooper, June 18 at 12, Court of Bankruptcy, London.—*Frederick Richardson*, Ashford, Middlesex, auctioneer's clerk, June 18 at half-past 11, Court of Bankruptcy, London.—*Thomas Pilbeam*, Parker-street, Drury-lane, Middlesex, coach smith, June 9 at 1, Court of Bankruptcy, London.—*Wm. Saint*, New Alresford, Southampton, chemist, June 16 at 12, Court of Bankruptcy, London.—*Robt. Bennet Ebege*, Humahugh, Simonburn, Northumberland, surgeon, June 18 at half-past 10, District Court of Bankruptcy, Newcastle-upon-Tyne.—*G. Ormston*, Bishopwearmouth, Durham, brewer's traveller, June 22 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Thos. Robson*, North Shields, Northumberland, publican, June 30 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Thos. T. Munro*, Kendal, Westmoreland, veterinary surgeon, June 22 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Thos. Simmonds*, Cheltenham, Gloucestershire, cider seller, June 12 at 1, District Court of Bankruptcy, Bristol.—*Joseph Brooke*, Golcarbrow, Meltham, Yorkshire, weaver, June 18 at 11, District Court of Bankruptcy, Leeds.—*Robert Brooke*, Crossland, Almondbury, Yorkshire, weaver, June 18 at 11, District Court of Bankruptcy, Leeds.—*Wm. Dyson*, Sowerby-bridge, near Halifax, Yorkshire, wheelwright, June 18 at 11, District Court of Bankruptcy, Leeds.—*John Mallinson*, Brighouse, near Halifax, Yorkshire, occasional brewer, June 18 at 11, District Court of Bankruptcy, Leeds.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Friday, June 19, at 9.*

*Wm. Wimpy, sen.*, Tyssen-st., Church-street, Bethnal-green, Middlesex, chandler's shopkeeper.—*J. Thos. Howling*, High-st., Poplar, Middlesex, shopman to a dealer in china and earthenware.—*Thos. Stanwell*, Providence-st., Walworth-common, Surrey, vendor of cats' meat.—*Leighton Powell Sabery*, Clark-st., Jubilee-st., Stepney, Middlesex, superannuated clerk in the Comptrollers' Department of the Customs, London.—*Emily Ann Birch*, York-road, Lambeth, Surrey, in no occupation.

*June 22, at the same hour and place.*

*Jos. Jackson*, Charlton-st., Somers'-town, Middlesex, out of business.—*Thos. Davis*, Lower George-st., Chelsea, Middlesex, milkman.—*Hen. Bradbury*, St. George's-road, Southwark, Surrey, dentist.—*Sam. Nicholas Cooper*, Rutland-st., Hampstead-road, Middlesex, solicitor.—*Alex. Norton*, York-buildings, New-road, Middlesex, out of business.—*Wm. Hen. Thomas*, Cornhill, London, out of employ.

**INSOLVENT DEBTOR'S DIVIDEND.**

*Henry Selfe*, Bristol, watch maker, Collins', Bristol: 7½d. in the pound.

**MEETING.**

*J. Yelland*, Ecclesfield, near Sheffield, Yorkshire, butcher, June 24 at 6, Mrs. Yelland's, Ecclesfield.

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# The Jurist

No. 492—VOL. X.

JUNE 13, 1846.

PRICE 1s.

\* \* The following are the Names of the Gentlemen who favour THE JURIST with Reports of Cases argued and decided in the several Courts of Law and Equity:—

House of Lords .....	{ A. GORDON, Esq. of the Inner Temple, Barrister at Law.	Vice-Chancellor Wigram's Court .....	{ F. FISHER, Esq. of Lincoln's Inn, Barrister at Law.
Privy Council .....	{ TENISON EDWARDS, Esq. of the Inner Temple, Barrister at Law.	Court of Queen's Bench	{ G. J. P. SMITH, Esq. of the Inner Temple, Barrister at Law.
The Lord Chancellor's Court .....	{ A. GORDON, Esq. of the Inner Temple, Barrister at Law.	Queen's Bench Bail Court	{ A. V. KIRWAN, Esq. of Gray's Inn, Barrister at Law.
Master of the Rolls Court	{ G. Y. ROBSON, Esq. of the Inner Temple, Barrister at Law.	Court of Common Pleas, including Appeals under Registration of Voters Act....	{ D. POWER, Esq. of Lincoln's Inn; and W. PATERSON, Esq. of Gray's Inn, Barristers at Law.
Vice-Chancellor of England's Court .....	{ TENISON EDWARDS, Esq. of the Inner Temple, and CHARLES MARSHALL, Esq. of the Inner Temple, Barristers at Law.	Court of Exchequer ....	{ W. M. BEST, Esq. of Gray's Inn, Barrister at Law.
Vice-Chancellor Knight Bruce's Court .....	{ W. W. COOPER, Esq. of the Inner Temple, Barrister at Law.	Ecclesiastical and Admiralty Courts .....	{ J. P. DEANE, D.C.L. of Doctors' Commons.
		Court of Review .....	{ W. W. COOPER, Esq. of the Inner Temple, Barrister at Law.

LONDON, JUNE 13, 1846.

A QUESTION of some practical importance, upon which, we believe, no decision is to be found, and which not unfrequently arises in reference to inventions of the smaller class, is this: whether, if A. has invented some manufacture, and has used it for his own use merely, without making it public, but without any specific concealment, and B. afterwards invents the same thing and takes out a patent for it, A. will be liable to be restrained from using it for his own use and convenience merely, not vending or otherwise making a profit by it.

The question must, in the absence of direct decision, depend upon the language and spirit of the Statute of Monopolies and of the letters-patent.

No doubt, to any person not accustomed to legal reasoning, or to consider the principles of laws, it seems a hardship bordering upon gross absurdity, that, if I have first invented something, any law should give to another, the privilege, not only of exclusive enjoyment as against the rest of the world, but of excluding me from the enjoyment of the production of my own brain. But, if we recollect that there is no such thing as an abstract right of property; that all rights of enjoying property are the creatures of the civil law; and that, in a thousand instances, society exercises, without any notion being entertained of its being a hardship, the right of curtailing and modifying in the individual, the enjoyment of property, where *prima facie* his right as absolutely appertains to him, as the right of a man to enjoy the production of his own brain;—we shall see that no peculiar hardship and no injustice can be complained of, if it should turn out to be the rule established by the civil law, that an inventor loses even his right of personal enjoyment, by neglecting to avail himself of the conditions on which the law offers him protection,

and allowing another to step in before him and obtain that protection.

The notion of hardship should be, therefore, wholly thrown out of consideration, and the question considered solely upon the language of the statute and of the letters-patent, so far as the letters-patent are not inconsistent with the statute. The language of a patent is, that authority is granted to the patentee, and such as he shall agree with, *and no others*, to make, use, exercise, and vend the invention; and all others are commanded not to make, use, or put in practice the invention. There is a special proviso that the grant is not to prejudice any previous patent, but none that it is not to prejudice any previous inventor who has neither taken out a patent, nor published the invention.

There can, of course, be no doubt that the private use of an invention comes within the literal language of the patent—restricting use, as well as making and vending. But it is first a question, whether, by the word “using,” the patent does not mean only *using in trade*; and, secondly, assuming it to mean *any* using, then what is meant by “no other person.” Upon this the language of the Statute of Monopolies will throw light. The statute provides that its abolition of all monopolies shall not extend to letters-patent and grants of privileges for the term of fourteen years or under, hereafter to be made, &c. to the true and first inventor and inventors of such manufactures *which others at the time of making such letters-patent and grants shall not use*. Now, the general rule of law resulting from a variety of cases is, that the user contemplated by the statute, which will avoid a patent, is user amounting to publication; that is, user which goes the length of putting it in the power of the public to obtain knowledge, if not actually to give it knowledge, of the invention.

In *Morgan v. Seaward*, (2 Mee. & W. 545); indeed, it was held, that, where (the subject of the patent

being steam-boat, paddle-wheels) two pairs of the wheels were made for the inventor before he obtained his patent, by his own people, and were packed up and shipped to a foreign port, and there used by a company in which the inventor was a partner, even that was not user so as to invalidate the patent. It is true, the wheels were made under an injunction of secrecy in the inventor's people; but that would have made no difference, if there had been a bona fide dealing with the wheels as a matter of trading gain; and the court put the decision expressly upon this, that there was no public sale, and no gain or profit proved to be derived by the inventor. If, then, the above be the true construction of the word "use" in the statute, for the purpose of testing its effect in avoiding a patent, it is a correct inference to say that such must be its construction when the question is, not whether a patent is avoided, but whether a patent is infringed; for, if the user in the sort of case we are discussing, is such as would not avoid the subsequently-granted patent, the reason is, that such user is not inconsistent with the patent, and, therefore, it is no infringement.

The question will, therefore, be one of mixed fact and law. It will first be to be ascertained, whether the use of the invention by the first inventor has been a use so far public, that the public might by means of it, have obtained knowledge of the invention. If it has, then the subsequently-obtained patent will be void; but if it has not,—if it has been private, and without gain by way of trade,—then it seems difficult to contend that the patentee will have any right to prevent the continuance of such a mode of user; because, the statute confining the privilege to such inventions as *others shall not have used before*, the word "others" in the patent must be held only to apply to those whose user has been such as to avoid the patent. The patentee, therefore, could not bring the antecedent inventor within the class that he has a right to restrain, without putting himself out of court, and shewing on the face of his own statement that he has no title.

## POINTS ON THE LAW AND PRACTICE OF INJUNCTIONS.

### I. Injunctions to restrain the Use of Trade Marks.

The principle upon which injunctions are granted to restrain the imitation of trade marks, long exclusively used by a particular trader, so as to connect his name or trading concern, with the reputation acquired in the market by the goods bearing the particular mark, is thus expressed by Lord Langdale, M. R., in *Perry v. Truett*, "I think that the principle on which both the courts of law and equity proceed in granting relief and protection in cases of this sort is very well understood. A man is not to sell his own goods under the pretence that they are the goods of another man; he cannot be permitted to practise such a deception, nor to use the means which contribute to that end. He cannot, therefore, be allowed to use names, marks, letters, or other indicia by which he may induce purchasers to believe that the goods which he is selling are the manufacture of another person. I own it does not seem to me that a man can acquire a property merely in a name or mark; but, whether he has or not a property in the name or the mark, I have no doubt that another

has not a right to use that name or mark for the purpose of deception, and in order to attract to himself that course of trade or that custom which, without that improper act, would have flowed to the person who first used, or was alone in the habit of using, the particular name or mark." And in a subsequent case\* the same learned judge again expressed himself to the same effect: "No man has a right," said his Lordship, "to sell his own goods as the goods of another. You may express the same principle in a different form, and say, that no man has a right to dress himself in colour, or adopt and bear symbols to which he has no peculiar or exclusive right, and thereby personate another person, for the purpose of inducing the public to suppose either that he is that other person, or that he is connected with and selling the manufacture of such other person, while he is really selling his own. It is perfectly manifest that to do these things is to commit a fraud, and a very gross fraud. I stated, upon a former occasion, that, in my opinion, the right which any person may have to the protection of this court, does not depend upon any exclusive right which he may be supposed to have to a particular name or to a particular form of words. His right is to be protected against fraud, and fraud may be practised against him by means of a name, though the person practising it may have a perfect right to use that name, provided he does not accompany the use of it with such other circumstances as to effect a fraud upon others." Accordingly, in *Croft v. Day*, his Lordship, being of opinion, that, although the labels used by the defendant upon the bottles of blacking sold by him were in many points different from the plaintiff's labels, yet there was sufficient to mislead the ordinary run of persons, and that the object of the defendant was to persuade the public that his establishment was in some way or other connected with the plaintiff's, granted an injunction restraining the defendant from imitating the plaintiff's labels. The order made was very specially worded, with a view to prevent the defendant from eluding the jurisdiction by colourable alteration.

In *Perry v. Truett*†, the point on which the case was principally argued was, whether, a certain unguent sold by the plaintiff, having acquired a reputation under the name of "Perry's medicated Mexican Balm," the defendant was at liberty to sell an unguent for the same purpose, under the designation of "Truett's medicated Mexican Balm." The evidence shewed that Truett (the defendant) did not attempt to induce the belief that what he was selling was the plaintiff's unguent, but he simply took the sort of fancy designation adopted by the plaintiff, of *medicated Mexican balm*. And the question was, whether, in the absence of fraud, the plaintiff had such a right in that designation, as to prevent the defendant's use of it. This the court held to be a legal question; and if that had been the only point, the court would, it seems, have put the matter in a course for trial of the legal right. But the plaintiff had also, in advertisements respecting his medicated Mexican balm, put forth false representations to the public, and thereby precluded himself‡ from obtaining relief in equity in the first instance. The motion was ordered to stand over, with liberty to the plaintiff to bring an action; and some months afterwards the bill was dismissed with the consent of the plaintiff.

It will be observed, that, both in *Perry v. Truett* and *Croft v. Day*, Lord Langdale took occasion pointedly to advert to the doctrine of *Millington v. Fox*, and to express his opinion, that an exclusive right of property cannot be acquired in a name or mark. "The case of *Millington v. Fox*," said his Lordship, in *Truett v. Perry*, (7 Bea. 73), "seems to have gone this length,

\* *Croft v. Day*, 7 Bea. 84. See also *Gout v. Aleplogin*, 6 Bea. 69, n.

† 6 Bea. 66.

‡ *Pidding v. Howe*, 8 Sim. 477.

§ 3 My. & C. 330.

\* 6 Bea. 66.

that the deception need not be intentional; and that a man, though not intending any injury to another, shall not be allowed to adopt the mark by which the goods of another are designated, if the effect of adopting them would be to prejudice the trade of such other person. *I am not aware that any previous case carried the principle to that extent.*" The writer believes that there is not any case since *Perry v. Truett* and *Day v. Croft* carrying the principle so far as it was carried in *Milington v. Fox*. It will not, however, be forgotten, that that case was most fully argued, and that the judgment is one of the most careful of the many elaborate judgments delivered by the eminently cautious judge who pronounced it.

#### II. As to reading Affidavits against the Answer on a Motion to dissolve an Injunction.

It has generally been understood, that, on moving to dissolve the common injunction, if facts and circumstances alleged by the bill are ignored by the answer, affidavits cannot be read on the part of the plaintiff to substantiate the allegations of the bill. This doctrine has received some discountenance from the case of *Ord v. White*\*. In that case facts essential to the plaintiff's case were alleged in the bill, and by the answer neither admitted nor denied, but simply ignored. The Master of the Rolls thought (though it was not necessary to decide the point, as he granted the injunction irrespectively of the affidavits tendered by the plaintiff) that in such a case affidavits may be read by the plaintiff to prove the allegations of the bill. The case of *Castellan v. Blumenthal*† was not cited in *Ord v. White*.

In *Barwell v. Barwell*‡ the defendant by her answer stated, as to certain facts, that she had been informed and believed it to be true, &c.; and *Ord v. White* was cited as an authority for reading affidavits on behalf of the plaintiff to contradict those statements in the answer. But Lord Langdale, M. R., refused to hear them, observing that no one ever doubted that affidavits are inadmissible, when the defendant distinctly states his belief. His Lordship referred to his dictum in *Ord v. White*, observing that he had not decided the point, and neither recalling nor reasserting the opinion that he had there expressed.

The case of *Edwards v. Jones*§ seems to have settled the point, although not upon an injunction motion. In that case, on a motion for a receiver, among other things, an affidavit was tendered by the plaintiff to prove the death of a particular person, (the period of whose death was very material), the answer ignoring the fact of the alleged death. It was contended, on the authority of *Ord v. White* and other cases, that the affidavit was admissible; but the Vice-Chancellor of England held the affidavit inadmissible, and, on appeal, Lord Lyndhurst, C., affirmed the decision. "An affidavit," said his Lordship, "was offered to prove the fact that Howell Powell (the person whose death it was material to ascertain) was alive at the time of the death of the intestate. Now, where the question at issue is not the existence of a document, but a fact, I think that an affidavit cannot be admitted to prove it in an interlocutory application like the present, though the answer neither admits nor denies it. There is an apparent discrepancy between the authorities on the subject, but I think that is the fair result of them."

It has been also generally understood, with reference to special injunctions, that, if a motion is made for an injunction upon the answer of the defendant, the plaintiff cannot read affidavits against the answer upon matter of title. But where a notice of motion was given before answer, and affidavits filed in support of it, and the motion stood over at the request of the defendant

that he might put in his answer; and after he had done so, the plaintiff filed further affidavits in respect of title, contradicting the answer: it was held, that, under those circumstances, the answer must be treated as an affidavit, and, consequently, the further affidavits were admissible\*. But, if a motion for a special injunction is made after the answer has come in, (the motion not having stood over for the defendant's convenience, and that he may put his answer in), and no affidavits were filed before the answer, affidavits filed after the answer cannot be read in support of the motion, even as to matters not connected with title; and that, irrespectively of the question whether the notice was given before the answers were put in, or afterwards†. The judgment in this case, and the learned Reporter's notes, contain nearly all the learning upon this point. C. S. D.

### THE LAW

#### RELATING TO THE

### DISPOSITION OF REVERSIONARY INTERESTS OF MARRIED WOMEN IN CHATELS PERSONAL.

By JOSIAH W. SMITH, B.C.L.,

OF LINCOLN'S INN, BARRISTER AT LAW,  
Editor of *Fearne's Contingent Remainders*, and Author of a *Treatise on Easementary Interests*.

However engrossed with other labors the lawyer may be, this subject is one of such great practical importance, that any attempt to clear away its difficulties can hardly fail to engage his attention. Such an attempt is made in the present paper; not in the spirit of disputation, although the subject presents such ample scope for it, but, on the contrary, with the determination to avoid all personal controversy, and simply to reconcile the cases, as far as possible; to enunciate what, from a close consideration of the law, the writer believes to be the truth; and to defend the doctrine of the cases, so far as they are reconcilable, from the objections which are commonly urged against them.

#### PART I.

##### *The Specific Points established by the Cases.*

The following points appear to be established by the decisions with reference to the disposition of quasi remainders and other future interests, or, as they are commonly termed, reversionary interests, in stock, money, and other chattels personal, limited to women married at the time, or women who afterwards marry, to take effect on the determination of a life interest in another person:—

I. A vested reversionary interest of a married woman in personalty, if bequeathed or settled to her separate use, may be assigned by her as effectually as a reversionary interest may be assigned by a feme sole; because, as to property so bequeathed or settled, whether in possession or otherwise, she is regarded as a feme sole.

So that, where an annuity is devised to a married woman for life for her separate use, charged on land after the decease of a tenant for life of the land, and she and her husband assign it by way of mortgage, she will be bound by such assignment after her husband's death. *Major v. Lansley*, 2 Russ. & My. 355.

And where a married woman has a reversionary interest in personalty for her separate use, she may effectually dispose of it to a purchaser, without the necessity of any examination in court. *Sturgis v. Corp*, 13 Ves. 180.

II. But where a contingent reversionary interest in personalty is given to a married woman in lieu of dower

\* 3 Beav. 357.

† 12 Sim. 47.

‡ 5 Beav. 373.

§ 13 Sim. 632; 1 Phil. 501.

\* *Gibson v. Nicol*, 6 Beav. 422. See also *Maden v. Foveux*, 5 Beav. 503.

† *Mansey v. Jenner*, 2 Hare, 600.

by her husband, to take effect as a provision for her in case of her surviving him, a court of equity will not order the property to be paid over to the husband and wife on their joint application, even though the reversionary interest is given for her separate use, and though they are both of advanced age, and in want of the common necessities of life. *Batt v. Cuthbertson*, 2 Irish Rep. 200; 4 Dru. & W. 392.

III. A reversionary interest of a married woman in personally not bequeathed or settled for her separate use, cannot, while it continues reversionary, be disposed of by her and her husband, or either of them, or by act of law, whether voluntarily or for valuable consideration, and whether to a purchaser or to a general assignee in bankruptcy or insolvency, or be merely charged, so effectually as to bind the wife, if the husband dies in her lifetime without having reduced it into possession, and she then chooses to assert her right to it, even if it ceases to be reversionary before his death; although it may be effectually disposed of or charged, except in respect of this contingency. For, as Sir Thomas Plumer remarked in *Purdew v. Jackson*, "The wife's right is not divested by the marriage. The chose in action continues to belong to her, unless the husband can and does reduce it into possession, and thereby makes it cease to be a chose in action. The husband has not, on the marriage, any immediate property in the chose in action; he has only the right to reduce it into possession, if it be in a state capable of being so reduced. Reduction into possession is a necessary and indispensable preliminary to the husband's having any right of property in himself, or to his being able to convey any right of property to another." (1 Russ. 68). "For the property in a personal chattel does not become complete till possession is obtained." (Id. 14). "And to say that the assignment of a chose in action, which is at the time incapable of being reduced into possession, is to be construed as a reduction of it into possession, is to ascribe to the assignment the effect of totally transforming the nature of the thing assigned." (Id. 45). Hence,

1. Where stock is limited by will in trust for a person for life, with remainder (not by way of separate use) in trust for a married woman, or a woman who afterwards marries, and she and her husband join in assigning it to a purchaser for valuable consideration, and both the wife and the tenant for life outlive the husband, such assignment will not be valid against the right of the wife. (*Purdew v. Jackson*, 1 Russ. 1; *Honner v. Morton*, 3 Russ. 65; *Watson v. Dennis*, 3 Russ. 90). For, in this case, as the husband dies before the tenant for life, and, therefore, before the property is even capable of being reduced into possession, it continues in the wife, or, as the phrase is, it survives to the wife, unaffected by the coverture and the assignment made during the coverture.

According to the decision, indeed, in the case of *Atkins v. Dawbury*, (Gilb. Eq. Rep. 88), where a legacy is given to a married woman, payable out of a reversion in land expectant on an estate for life, and the husband assigns the legacy in trust for his children, and predeceases his wife and the tenant for life, the assignment is good against the wife in equity, although not at law; and though this legacy is charged on a reversion, yet, being given in present, it carries interest from the testator's death. But, as Sir Thomas Plumer, M. R., remarked in *Purdew v. Jackson*, (1 Russ. 48), "*Atkins v. Dawbury* is abandoned, and is admitted not to be law."

2. Where a married woman is entitled to stock in remainder after a life interest in another person, and her husband assigns her interest, becomes bankrupt, and dies in the lifetime of the tenant for life, leaving his wife surviving, she is entitled against the particular assignee and the assignees under the commission. *Grey v. Kentish*, 1 Atk. 280.

3. And where personal property is bequeathed in trust for a person for life, with remainder, as to a part, in trust for another person for life; with remainder to a woman who afterwards marries; and, after her marriage and the death of the first taker, such property is settled upon her children, in pursuance of articles entered into before her marriage, when she was under age; and then, before the property is transferred from the names of the executors of the will into the names of the trustees of the settlement, he dies, leaving his wife surviving; the trusts of the settlement do not bind that part to which the wife, at the time of the settlement, was entitled in remainder on the death of the second taker; nor are they binding even on that part to which, at the time of the settlement, the wife was entitled in possession, in consequence of the death of the first taker, notwithstanding it might and ought to have been transferred into the names of the trustees of the settlement in the husband's lifetime, and notwithstanding the maxim, that equity looks on that as done which ought to have been done. *Elwyn v. Williams*, 7 Jur. 337.

4. And where a legacy is given to a woman, who afterwards marries, to be paid after the decease of another person, and she and her husband assign the legacy for valuable consideration in the lifetime of that person, and the husband survives such person, but dies leaving his wife surviving, without having reduced the legacy into possession, the assignment is void against the wife. *Ashby v. Ashby*, 1 Coll. 553.

5. And where a sum of money is bequeathed in trust for a person for life, with remainder to a woman, who marries, and whose husband becomes bankrupt, and then, after surviving the tenant for life, dies without having reduced the legacy into possession, his assignees will not be entitled as against his surviving wife. *Gayer v. Wilkinson*, 2 Dick. 491.

6. And where stock is limited by deed in trust for a person for life, with remainder to a woman, who subsequently marries, and joins with her husband in assigning her reversionary interest for valuable consideration, and a general assignment is afterwards made of his property under the Insolvent Debtors Act, and, after surviving the tenant for life, he dies without having done any other act to reduce the stock into possession; the wife is entitled to it as against both the particular assignee and the general assignee; for the assignment only puts the assignee of the husband in the same situation as the husband. *Hornsby v. Lee*, 2 Mad. 16.

Where, however, personal property is bequeathed to a married woman, by way of remainder after a life interest in another, and the husband becomes bankrupt, and then the tenant for life dies, and afterwards the wife dies, and he takes out administration to her; the property cannot be retained by the husband, but belongs to his assignees, because the husband had an incipient right to the chose in action at the time of his bankruptcy, and the event happened on which he was enabled to reduce it into possession. *Ripley v. Woods*, 2 Sim. 165.

7. Where personal property is bequeathed upon trust for a person for life, with remainder to a woman who marries, and afterwards separates from her husband, and, by a deed of separation, she assigns part of her reversionary interest to the husband, such assignment is not binding upon her after surviving her husband. *Stamper v. Barker*, 5 Mad. 157.

8. And where stock is limited by a marriage settlement upon trust for the separate use of the wife during the joint lives of the husband and wife; with remainder, in case she shall survive him, upon trust for her, her executors, administrators, and assigns, but, in case she shall die in his lifetime, upon trust for such persons as she shall by will appoint, and, in default thereof, upon trust for her, her executors, administrators, and

assigns; and she executes a bond during the coverture, and survives her husband; it will not bind her property. *Lee v. Muggerridge*, 1 Ves. & B. 118.

9. Where stock is limited by will in trust for a person for life, with remainder to a married woman; and she and her husband join in assigning parts of the stock to different purchasers for valuable consideration, and then the husband dies in the lifetime of the tenant for life, leaving his wife surviving, who makes an assignment of another portion of the stock to one of the former purchasers, by a deed indorsed on the former assignment to him, and reciting that he was entitled to a certain portion of the stock under the within-written indenture, and referring to the other assignments, and purporting to transfer the property subject to those assignments; such deed does not operate as a confirmation of the prior assignments. *Honner v. Morton*, 3 Russ. 65.

IV. Where a married woman has a reversionary interest in personalty vested in trustees, and not bequeathed or settled to her separate use, a court of equity will not order it to be paid over to any other person, even on the application of the wife, unless, perhaps, under very special circumstances, where it appears to be greatly for the benefit of the family in general, and where the trustees fully concur in the application. Hence,

1. Where personalty is settled on the husband for life; and, if he survives his wife, it is to go to him absolutely; but, if she survives, to her absolutely; and they file a bill, praying that the whole may be paid to the husband; the bill will be dismissed. (*Seaman v. Duell*, 10 Ves. 580). For, as the wife could not have assigned her interest to her husband, so neither will a court of equity order the money to be paid to him, and thereby defeat the objects of a settlement by stripping the wife of the provision made for her by the settlement.

2. And where a married woman has a reversionary interest in stock in court under a settlement, subject to a life interest of another person, and not settled to her separate use, the court will not order such stock to be transferred to the tenant for life, on the application of the husband and wife. *Box v. Box*, 2 Con. & L. 605.

3. But where personalty is limited by a marriage settlement in trust for the husband for life, with remainder in trust for the wife for life, with remainder in trust for such persons as the survivor shall appoint, and the husband and wife appoint the property to the husband; and, on a bill being filed against the trustees to carry this appointment into execution, and to have the settlement cancelled, they state in their answer that they are desirous that the prayer of the bill should be complied with, as being for the benefit of the family, and the wife consents in court; the court will, under very special circumstances, make the decree accordingly. (*Macarmic v. Buller*, 1 Cox, 357). In this case, the husband had been appointed governor of Cape Breton; and, in *Sperling v. Rochfort*, (8 Ves. 174), Lord Eldon, C., said he was counsel in the case of *Macarmic v. Buller*, and that the husband could not have taken the appointment without the use of the money.

There is also a case of *Butler v. Duncomb*, (2 Vern. 762), in which a married woman was entitled to a portion raisable by means of a term out of real estate, after the death of the tenant for life, and no interest was payable for it in the meantime; and the court, with the consent of the wife, decreed that the husband (who was a considerable tradesman) might dispose of a moiety of the portion. But this case must be regarded as overruled.

V. A court of equity will not establish a contract for the sale of the reversionary interest of a married woman in personalty, not bequeathed or settled for her separate use, except subject and without prejudice to her right to avoid such contract in case her husband

dies before her without having reduced the fund into possession. Hence,

1. Where stock is bequeathed in trust for a person for life, with remainder to a woman, who afterwards marries, and a suit is instituted, the court will not take her consent to a transfer to a purchaser from her husband and herself. *Wade v. Saunders*, 1 T. & R. 306.

2. But where personalty is bequeathed to a person for life, with remainder to a feme for life, who afterwards marries, and, with her husband, contracts to sell her reversionary interest, and a bill is filed by them for a specific performance, at the desire of the purchaser, in order that the consent of the wife may be taken by the court, the court will take her consent de bene esse, and decree a specific performance. (*Hewitt v. Croucher*, before Lord Alvanley, and *Woodlands v. Croucher*, before Sir W. Grant, 12 Ves. 174). In *Box v. Box*, (2 Con. & L. 609), Sir E. Sugden, C., said, "I do not quite understand the meaning of taking her consent de bene esse, unless you treat it as a contingent interest, and say that the consent was to operate if the fund ever fell into possession;" i. e. if the married woman, who had only a life interest, survived the prior taker. But Mr. Roper, in his work on Husband and Wife, (2nd ed., p. 248), and Mr. Daniell, in his Treatise on Chancery Practice, (Vol. 1, ed. 1, p. 165), and Sir T. Plumer, V. C., in *Hornby v. Lee*, (2 Mad. 20), understand it to mean a consent taken so as not to preclude the question as to her title by survivorship, in the event of the wife being the survivor. And this view would seem most to accord with the general tenor of the judgment.

And, where money was limited by a marriage settlement upon trust for the husband and wife successively for life, with remainder to their children as they or the survivor should appoint, and, for want of appointment, among the children equally; and, in case that both the husband and wife should die without children, or that the children should die under twenty-one, then in trust for the wife, her executors, administrators, or assigns; and, if she should die without issue, then, as to part, in trust for such person as she should appoint; and, as to another part, to the husband; and as to the rest, in trust for the husband for life, and then in trust for such persons as she should appoint; and, her husband being in distress, she made an assignment and appointment; and a bill was filed to have her consent taken, and to establish the assignment and appointment, subject to the claims of the husband and wife for life, and the right of the children; the money was ordered to be paid into court for the contingent trusts of the settlement, and the conveyance, with the wife's consent, was established. *Guisse v. Small*, 1 Anst. 277.

There is, indeed, a decision in *Howard v. Damiani*, (2 Jac. & Walk. 458, n.), that, where a fund vested in trustees is given to a woman who afterwards marries, to be paid to her after the death of another person who has a life interest in the fund, and such tenant for life purchases the married woman's reversionary interest from her husband, the court, on the consent of the wife, will order the trustees to pay over the fund to the tenant for life. But this decision must be regarded as overruled by many of the cases previously noticed.

VI. Where a married woman is entitled to a reversionary interest in a fund in court, subject to a life interest in another person, who is not her husband, and such person surrenders his life interest to the married woman, the court will take the consent of the married woman to a payment of the fund to her husband, and order payment to him accordingly; because the interest of the married woman has ceased to be reversionary. *Lachton v. Adams*, 5 Law Journ., N. S., C., 382.

In this case the Vice-Chancellor made the order on an ex parte application. Mr. G. Richards, after the rising of the Vice-Chancellor, applied to the Lord Chan-



seller to take the consent of the married woman for the payment. The Lord Chancellor (Lord Cottenham) said, the life estate had merged, and the interest of the married woman was no longer reversionary. He therefore took her consent, and made the order. *18.*

VII. Where a sum is limited by will in trust for a married woman, by way of remainder after a life interest in another person who is not her husband, without being limited for her separate use, and the money is paid by the trustee to the husband, with his wife's consent, on his undertaking to pay the interest to the tenant for life; in such case, if the wife files a bill for the sum so paid over, it will be dismissed, because, by means of the payment of the fund itself to the husband, it becomes completely reduced into possession by him. *Donsell v. Earle*, 12 Ves. 478.

In this case, it was argued for the executors of the trustee and executrix, who paid over the money, and for the executors of the husband, that the wife consented to the payment at the time, and acquiesced in it for nine years after her husband's death. But the decision, for which no grounds are stated in the judgment, could not have been justly founded on these circumstances. The mere consent of the wife during coverture was a nullity; and, as to her subsequent acquiescence, she merely postponed proceeding until the death of the tenant for life, until her own right of possession accrued; and it would not seem reasonable that she should have been under the necessity of involving herself in a Chancery suit respecting the money while her interest in it was yet future in point of enjoyment, and when she might die before any present right of immediate enjoyment accrued. (See *Honnor v. Morton*, 3 Russ. 65).

VIII. Where stock is limited by way of remainder for a woman who afterwards marries, and the tenant for life, who is not her husband, agrees to surrender the life interest in such manner as that the same may be merged and extinguished, so as to reduce the interest of the married woman into possession, so that the stock may be transferred to the husband, but the trustees refuse to join in the arrangement except under the indemnity of the court; in such case, on a bill being filed for the purpose, the court will order such arrangement to be carried into effect. This was done by the Vice-Chancellor of England in *Creed v. Perry*, (2 Eq. Rep. 42). And an arrangement of the same kind was established by the same learned judge in the case of *Wilson v. Oldham*, March 5, 1841, cited by Mr. Lewin in his work on Trusts, (2nd ed., 296), which was a case of an amicable suit, instituted by the advice of the late Mr. Jacob; who, as Mr. Lewin states, wrote an opinion, that, if the tenant for life, who was not the husband of the feme, assigned his interest to her, the effect would be to convert her interest into an immediate right to the fund in possession.

IX. But where personal property is limited by marriage settlement in trust for the sole and separate use of the wife for life; and, if she survives her husband, it is to be absolutely hers; and, if she dies in his lifetime, it is to go to such persons as she shall appoint; and, in default of appointment, to her executors and administrators; and she executes an appointment in his favour, and then she and her husband apply to the Court of Chancery for a transfer of the property in court to them, such an application will not be granted. (*Richards v. Chambers*, 10 Ves. 580). For in this case there is no conversion of the reversionary interest into an interest in possession by merger of the prior life interest. The appointment over the reversionary interest is only to take effect in an event yet in contingency, and that event is the event of his surviving her: so that the reversionary interest could not be said to be vested in the husband by force of the appointment: nor could it be vested in him by force of his marital right; for (as

Sir Thomas Plumer observes in the passage already quoted) the husband "has only the right to reduce it into possession, if it be in a state capable of being so reduced."

Admitting, then, this case to have been rightly decided, as, for the foregoing reasons, the writer conceives it was, it does not clash with the decisions previously noticed.

But, according to the case of *Ellis v. Atkinson*, (3 Bro. C. C. 563), where personal property is limited by a settlement in trust for the separate use of the wife during the joint lives of herself and her husband; with remainder, in case she shall survive him, in trust for herself, her executors or administrators; but, in case she shall die in his lifetime, upon such trusts as she shall by deed or will appoint; and, in default of appointment, in trust for her executors or administrators; and she appoints that her husband shall receive the interest during their joint lives, and that, in case she shall die in his lifetime, the property shall, after her decease, be in trust for him, his executors, administrators, and assigns; and she ("so far as she is in law or equity capable of so doing") assigns the same to her husband, his executors, administrators, and assigns; in such case, on a bill filed for the purpose, the court will direct the trustees to assign the property to the husband.

Now, if this case was rightly decided, it serves to support the decisions in *Lackton v. Adams* and *Creed v. Perry*. The writer conceives, however, that it was wrongly decided; and he thinks so, for the same reasons for which he believes that the conflicting case of *Richards v. Chambers* was rightly decided, and because the assignment made by the wife, which is the only thing that distinguishes this case from *Richards v. Chambers* in point of circumstances, was a mere nullity, and therefore does not constitute any material distinction between this case and *Richards v. Chambers*. He may add, however, that, as this case of *Ellis v. Atkinson* is so clearly distinguishable from *Lackton v. Adams*, *Creed v. Perry*, *Wilson v. Oldham*, and *Donsell v. Earle*, the opinion he entertains that it was wrongly decided, and that there were no grounds for directing the trustees to assign the property to the husband, does not in the slightest degree militate against his opinion of the soundness of the decisions in those other cases. He believes that *Ellis v. Atkinson* is to be classed with *Atkins v. Dewbury*, *Butler v. Duncomb*, and *Howard v. Dumant*, which would seem to favour the notion, that the reversionary interest of a married woman in personal property can be in all respects effectually disposed of, without any preliminary steps to accelerate it, especially if the wife consents in court,—a notion which we have seen is now completely exploded.

X. Where personalty is limited by will in trust for a person for life, with remainder in trust for a daughter, who marries, and the tenant for life makes a gift of the life interest to the daughter's husband, the court will not transfer the property in court to the husband, even with the wife's consent. *Pickard v. Roberts*, 5 Mad. 384.

In this case, also, there is no change of the reversionary interest into an interest in possession; for, as the husband has no interest analogous to an estate in remainder in such property, but only the right to reduce the reversionary interest into possession when in a state capable of being so reduced, he has nothing in which the life interest could merge. And hence this decision does not conflict with the cases of *Donsell v. Earle*, *Lackton v. Adams*, *Creed v. Perry*, and *Wilson v. Oldham*, any more than the case of *Richards v. Chambers* clashes with them.

XI. Where personalty is limited by deed in trust for a person for life, with remainder in trust for his wife for life, with remainder to such of her children as she shall appoint, and, in default of appointment, in trust



for such children; and she makes an appointment of part to one child, and joins with the husband in assigning their respective life interests to that child; the court will not take her consent, and compel the trustees to pay over the money to such child. *Fraser v. Baillie*, 1 Bro. C. C. 518.

In this case, again, there is no change of the reversionary interest into an interest in possession; for the assignment by the wife is a nullity; and, for the reasons given with reference to the above case of *Pickard v. Roberts* and the case of *Bean v. Sykes*, (mentioned *infra*), the husband's assignment is incapable of passing the wife's reversionary interest so as to subject it to the operation of merger.

It was not attempted, indeed, to support the application in this case on the ground of merger. The prayer of the bill was, that the consent of the wife might be taken in the nature of a fine at common law of real property. And Baron Eyre objected, that it did not occur to him that the court had authorised the departure with the property of the wife, by examining her in the nature of a fine at law. And, as to the same point, Sir John Leach, V. C., remarked, in *Pickard v. Roberts*, "that a wife, by her consent in a court of equity, can only part with that interest which is a creature of a court of equity, the right which she has in a court of equity to claim a provision by way of settlement on herself and children, out of that property which the husband at law would take in possession in her right." And in *Richards v. Chambers*, Sir W. Grant, M. R., observed, "This case is not like those in which the husband has a right to the trust property of his wife, subject only to an [equitable] obligation to make some provision for her before he reduces it into possession. When the wife, upon examination, consents to relinquish that equity, it is not by virtue of a disposing power in her, or by the intervention of the court, that the property passes to the husband. His marital right is allowed to operate unobstructed by the equity which the wife does not oppose to it. The equity being out of the way, the right stands unqualified, and upon that the court decrees; but here is no pretence of right on the part of the husband." (10 Ves. 687).

While we have seen that the case of *Fraser v. Baillie* does not clash with the cases of *Dowell v. Harris*, *Lockett v. Adams*, *Oreod v. Perry*, and *Wilson v. Oldham*, and while the writer believes there is no case which really does conflict with them, he is not aware that there are any other cases in favour of the doctrine which they support.

There is, indeed, another case (*Bean v. Sykes*) which has been brought forward in support of the doctrine, that the reversionary interests of married women in personal property may be effectually dealt with, but which, the writer submits, is not to be relied on to that extent. According to this case, where personal property is bequeathed upon trust for a person for life, with remainder to a woman who afterwards marries, and her husband assigns her reversionary interest to a trustee, upon certain trusts, and afterwards, by a deed, in which the wife joins, the prior interest is surrendered by the tenant for life to such trustee, for the purpose of merging it, the latter thereby becomes entitled in possession to the property upon the trust of the deed of assignment to him, and a court of equity will direct the trustee under the will to pay it over to him accordingly. (*Bean v. Sykes*, reported 2 Hayes' Conv., 5th ed., p. 640).

In this case the reversionary interest was assigned by the husband to the trustee above mentioned, upon trust, in default of appointment, for the separate use of the wife. But the effect of the transaction could not have depended on the assignment to her separate use; for, if that were the case, it would only be necessary for a husband to assign his wife's reversionary interest to her separate use, in order to give her the power of

making an effectual disposition of the property even as against herself. Again, the act of the wife in joining in the deed whereby the life interest was surrendered was a mere nullity. And, as to the voluntary assignment by the husband of her reversionary interest, it could not pass that reversionary interest to the trustee in such a way as to lead to the merger of the life interest surrendered to the trustee. We have seen that the husband has only the right to reduce the chose in action into possession when in a state capable of being so reduced; and by a voluntary assignment no more would pass to the assignee in any event than the husband himself possessed at the time of the assignment. And the truth is, that the decree in *Bean v. Sykes* only amounted to an authority to the original trustee to transfer the fund to the new trustees, and cannot properly be regarded as determining the question as to the general power of making an effectual disposition of the reversionary interest of a married woman.

(To be concluded next week with Part II, comprising the general result of the cases, with some reasons in support of the practicability of dealing with reversionary interests of married women by means of acceleration).

## COURT OF QUEEN'S BENCH.

Lord Denman, C. J., delivered the judgment of the court in the following cases:—

June 9.—*Cocker v. Musgrove*—Rule absolute for new trial.

June 12.—*Lowe v. Penn*—Rule absolute for new trial.

*Brown v. Deakin*—Rule refused. Rule nisi for leave to amend the plea.

*Weiss v. Lumley*—Judgment to be set aside on striking out the last plea.

*Maple v. Green*—Rule refused.

*Reg. v. The Great North of England Railway Company*—Verdict for the Crown on the first four counts to remain undisturbed.

## COURT OF COMMON PLEAS.

TRINITY TERM.—9 VICTORIA.—June 10.

This Court will, on Monday, the 6th day of July next, hold a sitting, and will proceed to give judgment in certain of the matters standing over for the consideration of the Court. N. C. TINDAL.

## GENTLEMEN CALLED TO THE BAR.

The following Gentlemen have been admitted to the degree of Barrister at Law:—

LINCOLN'S INN, June 9.—Edward Shaw Mount, Esq.; Hercules Henry G. McDonnell, Esq.; Charles Browne, Esq.; Edward Lamb Sabin, Esq.; William Beckett Turner, Esq.; William Percival Pickering, Esq.

MASTERS IN CHANCERY.—The Lord Chancellor has appointed the following gentlemen Masters Extraordinary in the high Court of Chancery:—John Phillips, of Hastings, Sussex; John Richard Wood, of Woodbridge, Suffolk; Henry Peake, of Sleaford, Lincolnshire; Alexander Blucher Smith, of Mallow, Wiltshire.

## London Gazette.

TUESDAY, JUNE 9.

## BANKRUPTS.

**JOHN WRIGHT**, Oxford-street, Middlesex, druggist and manufacturing chymist, (trading under the firm of John Wright & Co.), June 16 at 2, and July 21 at 12, Court of Bankruptcy, London: Off. Ass. Alsager; Sols. Tilson & Squance, Coleman-street.—Fiat dated May 27.

**JOHN GISBORNE**, Coleman-street, London, merchant, dealer and chapman, June 17 and July 30 at 12, Court of Bankruptcy, London: Off. Ass. Follett; Sols. Marten & Co., 31, Commercial Sale-rooms, Mincing-lane.—Fiat dated June 3.

**JESSE SMITH**, Wellington-street, Newington-causeway, Surrey, cheesemonger, dealer and chapman, June 17 and July 14 at 2, Court of Bankruptcy, London: Off. Ass. Groom; Sol. Pullen, Basinghall-street, City.—Fiat dated June 6.

**EDWARD WEEKS**, King's-road, Chelsea, Middlesex, hot-house builder, dealer and chapman, June 18 at half-past 12, and July 20 at 11, Court of Bankruptcy, London: Off. Ass. Turquand; Sol. Letts, Bartlett's-buildings.—Fiat dated May 7.

**JOHN RICHARD MISKIN**, Chatham, Kent, tea dealer, grocer, British wine merchant, dealer and chapman, June 18 at half-past 11, and July 20 at half-past 12, Court of Bankruptcy, London: Off. Ass. Turquand; Sol. Butler, Tooley-street.—Fiat dated June 4.

**FRANCIS FREEMAN PHILLIPS**, Bristol, coach maker, dealer and chapman, June 22 and July 21 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sol. Biggs, Bristol.—Fiat dated June 5.

**JOHN CHILD**, Wakefield, Yorkshire, grocer, dealer and chapman, June 23 and July 13 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sols. Brown, Wakefield; Piddey, Temple, London.—Fiat dated May 30.

**JOHN SCOTT**, Sheffield, flour dealer, dealer and chapman, June 26 and July 10 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sols. Chambers, Sheffield; Tattershall, Great James-street, Bedford-row, London.—Fiat dated June 2.

**FREDERICK SLY**, Truro, Cornwall, currier, June 18 at 1, and July 15 at 11, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. Bennalack, Truro; Stogdon, Exeter; Bourdillon & Sons, Great Winchester-street, London.—Fiat dated May 25.

**CHARLES GALLIMORE**, Birmingham, pearl button and stud maker, June 19 and July 14 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sol. Wright, Birmingham.—Fiat dated June 5.

## MEETINGS.

*Charles Collins*, Kidderminster, and King William-street and Adelaide-place, London, yarn and commission agent, June 19 at 2, Court of Bankruptcy, London, last ex.—*Wm. John Hadden*, Tottenham, Middlesex, brewer, June 19 at 12, Court of Bankruptcy, London, last ex.—*John Walker Ellis*, Lawrence-lane, Cheapside, London, cloth merchant, June 26 at 2, Court of Bankruptcy, London, last ex.—*Richard Lewis*, Wootton-under-Edge, Gloucestershire, woollen manufacturer, June 23 at 11, District Court of Bankruptcy, Bristol, last ex.—*James Wallace*, Durham, Sunderland, grocer, June 19 at half-past 10, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.; June 30 at 12, aud. ac.; July 2 at half-past 10, div.—*Wm. Miller*, Manchester, manufacturer, June 19 at 12, District Court of Bankruptcy, Manchester, last ex.—*Jas. Featherstone* and *Robert Kirkpatrick*, Manchester, iron founders, June 20 at half-past 10, District Court of Bankruptcy, Manchester, last ex. *Robert Kirkpatrick*.—*John Tudenham*, Pickering-place, Bayswater, Middlesex, builder, June 30 at 12, Court of Bankruptcy, London, aud. ac.—*Thomas Cooper*, New Bond-street, Middlesex, umbrella manufacturer, July 3 at 11, Court of Bankruptcy, London, aud. ac.—*John Harford* and *Wm. W. Davies*, Bristol, and Sirhowy, Monmouthshire, iron masters, July 3 at 11, District Court of Bankruptcy, Bristol, aud. ac.; July 9 at 11, div. sep. est. *J. Halford*.—*Thos. Williams*, Bristol, licensed victualler, July 9 at 11, District Court of Bankruptcy, Bristol, aud. ac.—*Sydney Pilling* and *Rob. G. Watson*, Gateshead,

Durham, wine merchants, June 30 at half-past 10, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; July 2 at half-past 11, div. sep. est. *S. Pilling*.—*John Bulmer*, Hartlepool, Durham, merchant, June 30 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*John Thompson*, Sunderland, Durham, chain manufacturer, June 30 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; July 2 at half-past 12, fin. div.—*Chas. Scott*, Newcastle-under-Lyme, Staffordshire, carrier, July 2 at 1, District Court of Bankruptcy, Birmingham, aud. ac. and pr. d.—*Jos. Ankerett*, Walsall, Staffordshire, grocer, July 2 at 1, District Court of Bankruptcy, Birmingham, aud. ac.—*John Rowles*, Leicester, worsted manufacturer, June 30 at 10, District Court of Bankruptcy, Birmingham, aud. ac. and div.—*Wm. W. Sanderson*, Great Russell-street, Covent-garden, Middlesex, baker, June 30 at half-past 12, Court of Bankruptcy, London, div.—*John C. Adams*, Basinghall-street, London, woollen warehouseman, June 30 at half-past 11, Court of Bankruptcy, London, div.—*Jas. Mann*, Norwich, woolstapler, June 30 at half-past 1, Court of Bankruptcy, London, div.—*Thos. Streeter*, High-street, Camden-town, Middlesex, draper, June 30 at 1, Court of Bankruptcy, London, div.—*Hen. Turner*, Theobald's-road, Bedford-row, Middlesex, cowkeeper, June 30 at half-past 12, Court of Bankruptcy, London, div.—*John C. Chambers*, Ipaley, Warwickshire, needle manufacturer, July 4 at 12, District Court of Bankruptcy, Birmingham, aud. ac. and div.

## CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on the Day of Meeting.*

*John Kirkup*, Rotherhithe, Surrey, coal merchant, June 30 at half-past 11, Court of Bankruptcy, London.—*Jas. Wilson*, Woolwich, Kent, and Bury-street, Chelsea, Middlesex, cabinet maker, June 30 at 1, Court of Bankruptcy, London.—*James Tebbutt*, Cambridge, auctioneer, July 8 at 11, Court of Bankruptcy, London.—*Fred. John Ablett* and *Wm. Hen. Ablett*, High Holborn, Middlesex, drapers, June 30 at 2, Court of Bankruptcy, London.—*Benjamin M. Ryder*, Kingston-upon-Hull, grocer, July 1 at 11, Town-hall, Kingston-upon-Hull.—*Benj. Sayle*, Sheffield, and Tinsley-park, Rotherham, Yorkshire, iron master, July 3 at 11, Cutlers'-hall, Sheffield.—*Hen. Hall*, Smalesmouth, Greystead, Northumberland, cattle dealer, June 30 at half-past 10, District Court of Bankruptcy, Newcastle-upon-Tyne.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before June 30.*

*Geo. Williams*, Bristol, watch maker.—*Rich. Goodridge*, Exeter, baker.—*Jos. Johns*, Grosvenor-street West, Finsbury, Middlesex, cook.—*Eliz. Rolph* and *Thos. Rolph*, Shepherd's-court, Upper Brook-st., Grosvenor-sq., Middlesex, builders.—*James Rob. Ellis*, Houndsditch, London, brass founder.—*Gilbert Brown*, Shiffnal, Shropshire, banker.

## SCOTCH SEQUESTRATIONS.

*Jas. R. Nicoll* and *Thos. Nicoll*, Dundee, iron merchants.—*Hugh* and *Wm. Brown*, Glasgow, stock and share brokers.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*John Reed*, Brick-lane, Bethnal-green, Middlesex, corn dealer, June 25 at 11, Court of Bankruptcy, London.—*John Dixon*, Ponder's-end, Middlesex, out of business, June 25 at 11, Court of Bankruptcy, London.—*J. Bugg*, Hoxton Old-town, St. Leonard, Shoreditch, Middlesex, grocer, June 25 at half-past 11, Court of Bankruptcy, London.—*Ch. Gardiner*, Gibson-street, Waterloo-road, Lambeth, Surrey, tailor, June 25 at half-past 11, Court of Bankruptcy, London.—*Wm. H. Williams*, Brighton, Sussex, gentleman, June 25 at 11, Court of Bankruptcy, London.—*Wm. Brown*, Earl-street, London-road, Southwark, Surrey, coach smith, June 25 at 12, Court of Bankruptcy, London.—*W. Wyndham Hughes*, Borrowash, Ockbrook, Derbyshire, surveyor, June 25 at 1, Court of Bankruptcy, London.—*Juan Macdonald*, Cork-street, Burlington-gardens, Middlesex, gentleman, June 25 at 11, Court of Bankruptcy, London.—*James Merryfield*, Field-cottage, Cornwall-place, Holloway, Middlesex, clerk to the commissioners for the commutation of tithes in England and Wales, June 25 at 11, Court of Bankruptcy, London.—*Anne Trott*, Sparrows Herne, Bushey, Hertfordshire, grocer, June 25 at 11,

**Court of Bankruptcy, London.**—*T. Brown*, Irthlingborough, Northamptonshire, tailor, June 25 at 12, Court of Bankruptcy, London.—*George Bushell*, Thornham, Kent, out of business, June 25 at 12, Court of Bankruptcy, London.—*John Adams*, Little Clacton, Essex, farmer, June 18 at 12, Court of Bankruptcy, London.—*J. Hardy*, Tooley-street, St. John, Horsleydown, Southwark, boot maker, June 18 at 11, Court of Bankruptcy, London.—*Samuel West*, Bristol, out of business, June 16 at 11, District Court of Bankruptcy, Bristol.—*Wm. Robinson*, Hart's-hill, Dudley, Worcestershire, out of business, June 16 at 10, District Court of Bankruptcy, Birmingham.—*Wm. Woodward* the younger, Nottingham, out of business, June 23 at 10, District Court of Bankruptcy, Birmingham.—*Wm. Rolinson*, Hart's-hill, Dudley, Worcestershire, out of business, June 16 at 10, District Court of Bankruptcy, Birmingham.—*John Davies*, St. Mary, Haverfordwest, grazier, June 18 at half-past 11, District Court of Bankruptcy, Bristol.—*Henry Wm. Hayes*, Exeter, out of business, June 18 at 1, District Court of Bankruptcy, Exeter.—*Rodolph S. Zamotiski*, Exeter, inventor and seller of the royal magnetic belt, June 17 at 11, District Court of Bankruptcy, Exeter.—*Wm. Kiddle*, Charles-street, Blackfriars-road, Surrey, commission agent, June 25 at 1, Court of Bankruptcy, London.—*John Thomas*, Merthyr Tydfil, Glamorganshire, grocer, June 25 at 12, District Court of Bankruptcy, Bristol.—*J. Hill*, Upcott-village, Culmstock, Devonshire, farmer, June 16 at 11, District Court of Bankruptcy, Exeter.—*Joseph Butterworth*, Lozells, near Birmingham, out of business, June 17 at 12, District Court of Bankruptcy, Birmingham.—*Wm. Mantou*, Birmingham, out of business, June 10 at 1, District Court of Bankruptcy, Birmingham.—*Rich. Jones*, Ty Cerrig, Llangwin, Denbighshire, out of business, June 16 at 12, District Court of Bankruptcy, Liverpool.—*Jos. Ibbes*, Liverpool, inspector of the Liverpool dispensaries, June 16 at 11, District Court of Bankruptcy, Liverpool.—*George Marsden*, Elland, Yorkshire, weaver, June 18 at 11, District Court of Bankruptcy, Leeds.—*Antoine F. Charles Stuhlmann* the younger, Leeds, Yorkshire, professor of the German language, June 18 at 11, District Court of Bankruptcy, Leeds.—*Benjamin Clarkson*, Thornhill, near Dewbury, Yorkshire, tailor, June 18 at 11, District Court of Bankruptcy, Leeds.—*Edw. Pearce*, Scarborough, Yorkshire, hatter, June 18 at 11, District Court of Bankruptcy, Leeds.

#### Saturday, June 6.

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*John Gardiner Rix*, Norwich, bricklayer, No. 54,758 C.; Richard Coaks, assignee.—*George Thos. Elgie*, Astey's-row, Lower-road, Islington, Middlesex, attorney at law, No. 53,025 T.; Wm. Green, assignee.

#### Saturday, June 6.

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Wm. Young Torckler*, Brook-st., Hanover-square, Middlesex, out of employ: in the Debtors Prison for London and Middlesex.—*Jas. Daly*, Star-court, Newton-st., High Holborn, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Francis Wyse*, Uxbridge-gardens, Bayswater, Middlesex, clerk in the General Registrar's Office, Somerset-house, Strand: in the Debtors Prison for London and Middlesex.—*Chas. Haddon*, Old-st., St. Luke's, Middlesex, gold beater: in the Debtors Prison for London and Middlesex.—*John Wakeham Edwards*, Green-st., Stepney, Middlesex, surgeon: in the Debtors Prison for London and Middlesex.—*Thos. Aldridge*, Deansgate, Bolton-le-Moors, Lancashire, lieutenant in her Majesty's 8th Regiment of Foot: in the Gaol of Lancaster.—*J. Hamer*, Lancaster, quarryman: in the Gaol of Lancaster.—*Jos. Pimbley*, Pell Brook, Horwich, near Bolton-le-Moors, Lancashire, retail dealer in ale: in the Gaol of Lancaster.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Tuesday, June 23, at 9.*

*James Turpin*, Hindon-st., Pimlico, Middlesex, green grocer.—*Geo. Langridge Williams*, Hartland-terrace, Kentish-town, Middlesex, brick maker.—*W. Whaley* the younger, Rahere-st., Goswell-road, St. Luke's, Middlesex, builder.—*Rob. Ed. Gay*, Prospect-place, Maids-hill, Paddington, Middlesex, surgeon.

#### Court-house, DURHAM, (County), June 22, at 10.

*Ralph Crosier Coates*, Old Elvet, near Durham, grocer.—*Ralph Freeman*, Gateshead, miller.—*Thos. Wilson*, Caniside, labourer.—*Rich. Jennings*, South Shields, sheriff's officer.—*Henry Edw. G. Tinsdale*, Seaham-harbour, grocer.—*Robert Tinsdale*, Wingate-grange, grocer.—*John Hind*, Low Morley, near Olferton, grocer.

#### Court-house, CARDIGAN, (County), June 25, at 10.

*John Maurice Davies*, Esq., Aberystwith, Llanbudarn-fawr, Cardiganshire, shareholder in certain lead mines called The Bishop's Mines.

#### Court-house, IPSWICH, Suffolk, June 25, at 10.

*Edmund Miller*, Halesforth, Suffolk, out of employ.

#### Court-house, CHELMSFORD, Essex, June 23, at 10.

*Thos. Warner*, Stratford, grocer.—*Heresiah Everitt*, Bradfield, out of business.

#### Court-house, CARMARTHEN, (County), June 24, at 10.

*Rhiza David*, widow, Llanelly, out of business.—*James Brabyn*, Sea-side, Llanelly, master mariner.—*David Pendry*, Llanelwad, farmer.

#### Court-house, NEWCASTLE-UPON-TYNE, Northumberland, June 24, at 10.

*Arthur Shanks*, North Shields, innkeeper.

#### Court-house, NEWCASTLE-UPON-TYNE, (Town), June 24, at 10.

*Jas. Harper*, Newcastle-upon-Tyne, tailor.—*Felix Trainor*, Newcastle-upon-Tyne, licensed hawk.—*Wm. Errington*, Gateshead, Durham, out of business.—*George Robson*, Newcastle-upon-Tyne, out of business.—*Alex. Geekie*, North Elswick-mill, Westgate, Newcastle-upon-Tyne, tea dealer.—*Christopher Ibberson*, Newcastle-upon-Tyne, book-keeper.

#### INSOLVENT DEBTORS' DIVIDENDS.

*John Coppard*, New-town, Worthing, labourer: 4s. 10d. (making with former dividends ) in the pound.—*G. Jasper Wright*, Church-st., Hampton, Middlesex, attorney's clerk: 3s. 9d. in the pound.—*John Dunn*, Wigmore-st., Cavendish-square, Middlesex, dentist: 1s. 6d. in the pound.—*Joseph Edward Bolton*, Pleasant-place, Holloway, Middlesex, porkman: 1s. 1d. in the pound.—*Anthony Vachee*, Upper Norfolk-st., Cambridge-road, Mile-end, Middlesex, clerk in the Custom-house: 1s. 11d. in the pound.—*Hen. Croly*, Dover, Kent, captain in her Majesty's army: 1s. 2½d. in the pound.—*Jos. Parker*, Herefordshire, appraiser: 1s. 9½d. in the pound.—*Philip Solomon*, Newcastle-upon-Tyne, hardwareman: 1s. 4½d. in the pound.

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#### FRIDAY, JUNE 12.

#### BANKRUPTS.

**JOHN COMPTON HILL**, Reading, Berkshire, grocer and tea dealer, (trading under the style or firm of Hill & Co.), June 22 and July 27 at 11, Court of Bankruptcy, London: Off. Ass. Turquand; Sols. Lewis & Lewis, Ely-place, Holborn.—Fiat dated June 10.

**JOHN WYATT**, Ockham, Surrey, common brewer, coal merchant, dealer and chapman, June 23 at 11, and July 21 at 12, Court of Bankruptcy, London: Off. Ass. Follett; Sol. Walker, 3, South-square, Gray's Inn.—Fiat dated June 11.

**CHARLES BENNS**, Winchester, Southampton, miller and corn dealer, June 23 at 2, and July 14 at half-past 2, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Pain, Whitechurch, Hants; Gedge, George-street, Mansion-house, London.—Fiat dated May 30.

**WILLIAM HART**, Whitechapel High-street, Middlesex, hat manufacturer, June 23 at half-past 2, and July 14 at 11, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Rawlings, Romford, Essex, and 5, Crosby-hall-chambers, Bishopsgate-street-within.—Fiat dated June 10.

**CHARLES FOX**, Kingston-upon-Hull, victualler and tavern keeper, dealer and chapman, June 24 and July 15 at 11, District Court of Bankruptcy, Kingston-upon-Hull: Off. Ass. Kynaston; Sols. Wells & Smith, Kingston-upon-Hull; Tilson & Co., 29, Coleman-st., London.—Fiat dated June 4.

**JOHN BEDFORD PIM** and **CHARLES PAYNE**, Mansfield-street, Borough-road, Surrey, paper makers, dealers and chapmen, June 23 at 1, and July 14 at 2, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Lewis, 9, Grosvenor-st., Bond-st.—Fiat dated May 21.

**THOMAS SIMMONS**, Wooburn, Buckinghamshire, corn merchant, corn dealer, farmer, dealer and chapman, June 18 at half-past 2, and July 21 at 11, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Spicer, Great Marlow; Waller, Finsbury-circus.—Fiat dated June 10.

**JAMES STAVELY**, Manchester, warehouseman, dealer in printed calicoes and flannels, dealer and chapman, June 24 and July 22 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Marsden, Manchester; Gregory & Co., Bedford-row, London.—Fiat dated June 6.

**JAMES HOLT**, Castle Donington, Leicestershire, glove manufacturer, dealer and chapman, June 23 and July 28 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Huish, Castle Donington; Hebbert, Birmingham.—Fiat dated June 8.

**DAVID CLARK**, Liverpool, leather dealer and cut shoe bill manufacturer, dealer and chapman, June 22 and July 21 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Grocott, Liverpool; Johnson & Co., Temple, London.—Fiat dated June 8.

#### METINGS.

*Peter Rhodes*, Manchester, cotton spinner, June 24 at 12, District Court of Bankruptcy, Manchester, ch. ass.—*Joseph Lankhear*, Seymour-row, Little Chelsea, Middlesex, surgeon, June 25 at half-past 12, Court of Bankruptcy, London, last ex.—*Martin Cwhitt*, High Holborn, Middlesex, builder, June 23 at half-past 2, Court of Bankruptcy, London, last ex.—*Herbert Oliver* and *Hen. Hastings*, Cheltenham, Gloucestershire, butchers, July 2 at 11, District Court of Bankruptcy, Bristol, last ex.—*John Knight*, Preston, Lancashire, mercer, June 24 at 12, District Court of Bankruptcy, Manchester, last ex.—*Hen. Marsland*, Hazel-grove, within Borden, Cheshire, silk throwster, June 17 at 12, District Court of Bankruptcy, Manchester, last ex.—*Edward Williams*, Northop, Flintshire, draper, June 22 at 11, District Court of Bankruptcy, Liverpool, last ex.—*Jos. Coe*, Sias-lane, Bucklebury, London, money scrivener, July 3 at 1, Court of Bankruptcy, London, and. ac.—*Jos. Tomlin*, St. Michael's-alley, Cornhill, London, ship broker, July 3 at half-past 1, Court of Bankruptcy, London, and. ac.—*W. Cooper*, Lower Shadwell, Middlesex, ale brewer, July 7 at half-past 11, Court of Bankruptcy, London, and. ac.—*S. M. Latham*, Dover, Kent, banker, July 7 at 12, Court of Bankruptcy, London, and. ac.—*M. Griffith* and *P. Pearson*, New Bond-st., Middlesex, tailors, July 3 at 11, Court of Bankruptcy, London, and. ac.—*Wm. Stone*, Wood-st., London, laceman, July 2 at 11, Court of Bankruptcy, London, and. ac.—*Jas. Hays* and *Hen. Ayres*, Newgate-st., London, woollen drapers, July 9 at 2, Court of Bankruptcy, London, and. ac.—*Jas. Kewley*, Liverpool, tailor, July 6 at 12, District Court of Bankruptcy, Liverpool, and. ac.—*W. Burns*, Rhyl, Flintshire, draper, July 3 at 1, District Court of Bankruptcy, Liverpool, and. ac.—*Thos. Pitsoirn*, Liverpool, merchant, July 6 at 11, District Court of Bankruptcy, Liverpool, and. ac.—*Geo. Patmore Payne*, Liverpool, dealer in optical instruments, July 2 at 11, District Court of Bankruptcy, Liverpool, and. ac.; July 3 at 12, div.—*Richard Foulkes*, Soughton, Northop, Flintshire, cattle salesman, July 2 at 11, District Court of Bankruptcy, Liverpool, and. ac.—*Wm. Guy Taylor* and *Ellis*, Liverpool, hosiers, July 2 at 11, District Court of Bankruptcy, Liverpool, and. ac.; July 3 at 1, div.—*Robt. Ford* and *Wm. Rennards*, Liverpool, cheese factors, July 3 at 11, District Court of Bankruptcy, Liverpool, and. ac.—*J. Colville* and *Hugh Colville*, Liverpool, merchants, July 3 at 11, District Court of Bankruptcy, Liverpool, and. ac.—*J. Blandell*, Wigan, Lancashire, pawnbroker, July 6 at 12, District Court of Bankruptcy, Manchester, and. ac.; July 7 at 12, div.—*J. Nicholson*, Blackburn, Lancashire, linen draper, July 7 at 12, District Court of Bankruptcy, Manchester, and. ac.; July 8 at 12, div.—*Thos. Wenman*, Birmingham, merchant, July 7 at 12, District Court of Bankruptcy, Birmingham, and. ac.—*Benjamin Spencer*, Nottingham, baker, July 7 at 11, District Court of Bankruptcy, Birmingham, and. ac.—*Chas. Reesby*, Stamford, Lincolnshire, miller, July 7 at half-past 12, District Court of Bankruptcy, Birmingham, and. ac. and div.—*Wm. Heere*,

Abstonefield, Staffordshire, apothecary, July 7 at 11, District Court of Bankruptcy, Birmingham, and. ac.; at 12, div.—*J. Jay*, London-wall, London, builder, July 3 at 2, Court of Bankruptcy, London, div.—*Gardner Bayge*, Wm. Taylor, and Wm. Shand the younger, Great Winchester-st., London, merchants, July 6 at 12, Court of Bankruptcy, London, div.—*Robt. Headington*, Bath, and Liverpool, laceman, July 2 at 12, District Court of Bankruptcy, Liverpool, div.—*Owen Hughes*, Holyhead, Anglesea, Carnarvonshire, linen draper, July 3 at 12, District Court of Bankruptcy, Liverpool, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting:*

*Hannah Walduck*, Nelson-square, Blackfriars-road, Surrey, widow, July 7 at 12, Court of Bankruptcy, London.—*Thos. Cooper*, New Bond-st., Middlesex, umbrella manufacturer, July 3 at 11, Court of Bankruptcy, London.—*James Keas*, Black Horse-yard, Bond-st., Middlesex, carpenter, July 3 at 1, Court of Bankruptcy, London.—*Charles Pitt*, Bristol, licensed victualler, July 6 at 12, District Court of Bankruptcy, Bristol.—*Jas. Robins Croft*, Liverpool, commission merchant, July 3 at 12, District Court of Bankruptcy, Liverpool.—*Rich. Foulkes*, Soughton, Northop, Flintshire, cattle salesman, July 3 at 11, District Court of Bankruptcy, Liverpool.—*Owen Hughes*, Holyhead, Anglesea, Carnarvonshire, linen draper, July 3 at 11, District Court of Bankruptcy, Liverpool.—*Edward Hill*, Stourport, Worcestershire, hosier, July 9 at 1, District Court of Bankruptcy, Birmingham.—*Wm. Nash*, Oldbury, Shropshire, grocer, July 4 at 12, District Court of Bankruptcy, Birmingham.—*Thos. Harrison*, Birmingham, victualler, July 4 at 12, District Court of Bankruptcy, Birmingham.—*Thomas Saites* the younger, Atherston, Warwickshire, draper, July 14 at 11, District Court of Bankruptcy, Birmingham.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before July 3.*

*Richard Freeman*, Edward's-street, Portman-square, Middlesex, hosier.—*Wm. Harding*, Stockport, Cheshire, cotton manufacturer.—*Edward Todd*, Bow Church-yard, London, and Liverpool, warehouseman.—*J. Charles Barrett*, Strand, Middlesex, carver and glider.—*Jas. Shepherd Gregson*, Manchester, grocer.—*Henry Ward*, Widdford-mill, near Burford, Oxfordshire and Gloucestershire, and Ludgate-street, London, paper manufacturer.—*Michael T. Knight*, Bath, Somersetshire, upholsterer.—*Robt. Cans*, Woolwich, Kent, boot maker.—*John Clough*, Huddersfield, Yorkshire, chymist.—*J. Linn*, Argyll-place, Regent-street, Middlesex, goldsmith.—*Saml. Hutchinson*, Bradford, Yorkshire, stock broker.—*T. Lepton*, Leeds, Yorkshire, flax spinner.—*T. Kenworthy Rowbotham*, Huddersfield, Yorkshire, book-keeper.

#### SCOTCH SEQUESTRATION.

*Anderson & Brown*, Glasgow, smiths and ironmongers.

#### PARTNERSHIPS DISSOLVED.

*Hensley Palmer & W. Ludlam Ollard*, Upwell, Cambridge-shire, attorneys and solicitors.—*Wm. Casterton & F. Seekamp Dixon*, Angel-court, Throgmorton-street, London, attorneys and solicitors.—*John Whitelock & Charles Moultrie*, Aldermanbury, London, attorneys and solicitors.—*G. Humphreys*, A. Keightley, Wm. Parkin, Robt. Cunliffe, & H. A. Beaumont, (so far as respects G. Humphreys and Wm. Parkin), attorneys and solicitors.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*James Watts* the younger, Blenheim-street, Chelsea, Middlesex, June 18 at 11, Court of Bankruptcy, London.—*John Ellis*, junior, Dean-street, Soho, Middlesex, solicitor's clerk, June 18 at half-past 11, Court of Bankruptcy, London.—*E. Palmer*, Bocking, Essex, licensed victualler, June 18 at 1, Court of Bankruptcy, London.—*George H. Bush*, Seymour-place, Bryanstone-square, Middlesex, out of business, June 6 at 2, Court of Bankruptcy, London.—*Wm. Woods*, Saint Mary's-cottages, Old Kent-road, Surrey, baker, June 18 at half-past 11, Court of Bankruptcy, London.—*Henry Muller*, Bedford-place, Commercial-road East, Middlesex, tobaccoist, June 18 at 11, Court of Bankruptcy, London.—*G. Reynolds*, Mendlesham, near Thwaite, Suffolk, innkeeper, June 18 at

half-past 11, Court of Bankruptcy, London.—*John Houston*, Church-row, Fenchurch-street, London, surgeon, June 25 at 1, Court of Bankruptcy, London.—*George Peacey*, East-st., Globe-fields, Mile-end-road, Middlesex, out of business, June 25 at 1, Court of Bankruptcy, London.—*Rich. Gillies Lowe*, Chapel-street, Tottenham-court-road, Middlesex, gas fitter, June 23 at 11, Court of Bankruptcy, London.—*A. Walker Hyde*, Cumberland-terrace, Camden-town, Middlesex, comedian, June 25 at 11, Court of Bankruptcy, London.—*Charles Wensley*, High-street, Putney, Surrey, omnibus proprietor, June 25 at 12, Court of Bankruptcy, London.—*C. Frederic Eliderton*, Wilmington-square, Clerkenwell, Middlesex, clerk to a law stationer, June 25 at 11, Court of Bankruptcy, London.—*Joachim de Puvet*, Tonbridge-place, New-road, Middlesex, physician, June 25 at 11, Court of Bankruptcy, London.—*John Gibbons*, Narrow-street, Limehouse, Middlesex, out of business, June 25 at 11, Court of Bankruptcy, London.—*John Ramsden*, Kensington-gore, Kensington, Middlesex, gentleman, June 18 at half-past 11, Court of Bankruptcy, London.—*Philip Reynolds*, London-street, Tottenham-court-rd., Middlesex, out of business, June 20 at 12, Court of Bankruptcy, London.—*Wm. Rick Hony*, Coleford, near Frome, Somersetshire, surgeon, June 26 at 11, District Court of Bankruptcy, Bristol.—*George Forth*, Ripon, Yorkshire, joiner, June 16 at 11, District Court of Bankruptcy, Leeds.—*John Thos. Lusa*, Bradford, Yorkshire, letterpress printer, June 18 at 11, District Court of Bankruptcy, Leeds.—*W. Bower*, Little Sheffield, Yorkshire, saddler, June 19 at 11, Cutlers'-hall, Sheffield.—*James McCrechen*, Halifax, Yorkshire, coal dealer, June 16 at 11, District Court of Bankruptcy, Leeds.—*Nicholas Baker*, Laim Miles, Norwich, out of business, June 22 at half-past 10, District Court of Bankruptcy, Birmingham.—*William Nutt*, Park, Sheffield, Yorkshire, carter, and coal dealer and dealer, June 19 at 11, Cutlers'-hall, Sheffield.—*Jos. Wragg*, New Lenton, Lenton, Nottinghamshire, Jaquard maker, June 19 at 11, Cutlers'-hall, Sheffield.—*Robt. Griffiths*, Sheffield, Yorkshire, spring knife manufacturer, June 19 at 11, Cutlers'-hall, Sheffield.—*Thos. Gill*, Port Mahon, Sheffield, Yorkshire, blade forger and pocket knife maker, June 19 at 11, Cutlers'-hall, Sheffield.—*William G. Thorne*, Acton-quay, Berrington, Great Budworth, Cheshire, agent to the Trent and Mersey Canal Company, June 23 at 12, District Court of Bankruptcy, Manchester.—*Edmund Morris*, Cardiff, Glamorganshire, law clerk, June 18 at 12, District Court of Bankruptcy, Bristol.—*John Simpson*, Carlisle-street, Soho, Middlesex, artist, June 25 at 11, Court of Bankruptcy, London.

Wednesday, June 19.

Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—  
(On their own Petitions).

*Richard Norman*, Albany-place, Regent's-park, Middlesex, out of business: in the Queen's Prison.—*John M. Aves*, Warwick-court, Holborn, Middlesex, attorney's clerk: in the Debtors Prison for London and Middlesex.—*Wm. Berkley Lloyd*, King David-lane, Shadwell, Middlesex, grocer: in the Debtors Prison for London and Middlesex.—*John Miller*, Wellclose-square, Middlesex, general dealer: in the Debtors Prison for London and Middlesex.—*James Percival*, Wapping-wall, Middlesex, out of business: in the Gaol of Surrey.—*J. Moorhouse*, Rawtenstall, near Haslingden, Lancashire, brass founder: in the Gaol of Lancaster.—*Wm. Wrigley*, Chorlton-upon-Medlock, Manchester, bookkeeper: in the Gaol of Lancaster.—*John Hay*, Burnley, Lancashire, boot maker: in the Gaol of Lancaster.—*John Crompton*, Lancaster, out of business: in the Gaol of Lancaster.—*G. Hindle*, Enfield, near Blackburn, Lancashire, out of business: in the Gaol of Lancaster.—*Thomas Williams*, Manchester, out of business: in the Gaol of Lancaster.—*Ellis Fell*, Rough Lee, near Colne, Lancashire, maulin de laine manufacturer: in the Gaol of Lancaster.—*John Yates*, Blackburn, Lancashire, out of business: in the Gaol of Lancaster.—*John Eastwood*, Shawforth, near Rochdale, Lancashire, butcher: in the Gaol of Lancaster.—*Wm. Chell*, Manchester, out of business: in the Gaol of Lancaster.—*A. Woodhead*, Cheetham, Manchester, butcher: in the Gaol of Lancaster.—*P. Dutton*, Blackburn, Lancashire, boot maker: in the Gaol of Lancaster.—*Thomas Holmes*, Hulme, Manchester, out of business: in the Gaol of Lancaster.—*John Price*, Holyhead, Anglesea, North Wales, master of the smack Jane Brown: in the Gaol of Lancaster.—*Edward Holland*, Wigan, Lancashire, boiler

maker: in the Gaol of Lancaster.—*G. W. Archbold*, Liverpool, master mariner: in the Gaol of Lancaster.—*Ann Marshall*, Ashton-under-Lyne, Lancashire, out of business: in the Gaol of Lancaster.—*James Spears*, Hulme, Manchester, shoemaker: in the Gaol of Lancaster.—*John Needham*, Chorlton-upon-Medlock, Lancashire, pattern card maker: in the Gaol of Lancaster.—*Mary Higham*, Ardwick-green, near Manchester, out of business: in the Gaol of Lancaster.—*G. Knowler*, Chorlton-upon-Medlock, Manchester, grocer: in the Gaol of Lancaster.—*Thomas Williamson*, Manchester, bobbin maker: in the Gaol of Lancaster.—*John Oakden*, Manchester, felt dealer: in the Gaol of Lancaster.—*Joseph Dickson*, Macclesfield, Cheshire, tea dealer: in the Gaol of Chester.—*Thomas Simmons*, Walsall, Staffordshire, saddle-tree maker: in the Gaol of Stafford.—*John Williams*, Newport, Monmouthshire, out of business: in the Gaol of Monmouth.—*Thos. Pembre*, Unyadee, near Blackwood, Monmouthshire, quarryman: in the Gaol of Monmouth.—*Nancy Haworth*, Salford, Lancashire, out of business: in the Gaol of Lancaster.—*Andrew Hardman*, Lancaster, labourer: in the Gaol of Lancaster.—*Samuel Walker*, Rochdale, Lancashire, grocer: in the Gaol of Lancaster.

The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Friday, June 26, at 9.

*Thomas Yolland* the younger, Cromer-street, Brunswick-square, Middlesex, plumber.—*Joseph Bass*, Vauxhall-bridge-road, Westminster, Middlesex, out of business.—*John Slater*, Upper St. George's-place, Albany-road, Camberwell, Surrey, out of business.—*Chas. Wm. Eidge*, Upper Park-street, Liverpool-road, Islington, Middlesex, attorney's clerk.

June 29, at the same hour and place.

*John W. Wood*, Curator-street, Chancery-lane, Holborn, Middlesex, out of business.—*Algernon Lanes*, Wharf-road, Prichard's-road, Hackney-road, Middlesex, horse dealer.—*John Glindinning*, Sloane-street, Chelsea, Middlesex, foreman to a jeweller.

Court-house, APTLEBY, Westmoreland, June 29, at 10.

*John Goodson*, Kendal, labourer.

Court-house, NORWICH, Norfolk, June 29, at 10.

*Jonathan Swann*, Norwich, victualler.

INSOLVENT DEBTOR'S DIVIDEND.

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Printed by WALTER M'DOWALL, PRINTER, residing at No. 4, Pemberton Row, Gough Square, in the Parish of St. Bride, in the City of London, at his Printing Office, situate No. 4, Pemberton Row aforesaid; and Published at No. 3, CHANCERY LANE, in the Parish of St. Dunstan in the West, in the City of London, by HENRY SWEET, LAW BOOKSELLER and PUBLISHER, residing at No. 11, John Street, Bedford Row, in the County of Middlesex. Saturday, June 13, 1846.

# The Jurist

No. 493—VOL. X.

JUNE 20, 1846.

PRICE 1s.

\* \* The following are the Names of the Gentlemen who favour THE JURIST with Reports of Cases argued and decided in the several Courts of Law and Equity:—

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		Court of Review .....	{ W. W. COOPER, Esq. of the Inner Temple, Barrister at Law.

LONDON, JUNE 20, 1846.

THE case of *Paxton v. The Great North of England Railway Company*, reported in one of our recent Numbers, (ante, p. 430), establishes, if it does not, indeed, introduce, a rule of great practical importance in the law of arbitration. A cause was referred by an order of *Nisi Prius*, by which it was ordered that there should be a verdict for the plaintiff, subject to the award of a barrister, and that he should state on the face of his award such points of law for the opinion and decision of the court thereon as either of the said parties might raise and require him so to state. The arbitrator, by his award, awarded, that, unless the court should otherwise direct, the verdict already entered for the plaintiff in the cause should stand, but that the same should be reduced to a sum named by him. And, reciting that he had been required by the plaintiff and the defendants respectively to state certain points of law for the opinion of the court, proceeded to state all such of the said points of law as the evidence before him was capable of raising, and further awarded, that, if the court should be of opinion that any of the items which he had disallowed to the plaintiff and the defendants respectively ought to be admitted, and if the balance resulting from such corrected items should exceed, or should, save as after mentioned, fall short of the sum before named by him, that the verdict already entered for the plaintiff should stand, but that the same should be reduced to such amount of debt as, in the opinion of the court, should be due to the plaintiff, with 1s. damages, instead of the amount of debt which he had awarded; but if the court should be of opinion, upon the point first raised, that the action was not maintainable for more than the sum paid into court, or if the balance adjudged to be due to the plaintiff upon such corrected items should be reduced by a sum larger than or equal

to the sum named by him, he awarded that the general verdict entered for the plaintiff should be set aside, and that the verdict should be entered for the plaintiff on the first, and for the defendants on the second and third issues. The award was made on the 13th November, 1844, and was taken up by the plaintiff. The defendants received notice of the making of it on the 16th November, and, on the fourth day of the following Hilary Term, a rule was moved for and obtained on their behalf, for setting aside the award, and entering the verdict for the defendants on the several issues. The court held, first, on the authority of *Anderson v. Fuller*, (4 Mee. & W. 470; 7 Dowl. P. C. 51), that this was, in effect, an application to set aside the award; and, secondly, that it was made too late, and ought to have been made at the latest within four days of the defendants receiving notice of the making of the award.

As to the first point, in *Anderson v. Fuller*, an arbitrator had by his award directed that the verdict should stand for the plaintiff on all the issues, but that the damages should be reduced to a certain sum; and then, after reciting that he had been requested by the parties to state the facts, he proceeded to set forth the circumstances of the case, whereby a question was raised, whether the defendant was liable for certain acts of his co-trustees; and concluded by directing, that if, under the circumstances above stated, the defendant was liable in law to those parts only of the plaintiff's demand which were directed by himself, the damages should be reduced to a certain sum; if he was not liable in law for any part, then that the verdict should be entered for the defendant. And the court held, that on application to enter the verdict for the defendant, or to reduce the damages upon the facts stated by the arbitrator on the face of his award, ought to have been made (the cause and all matters in difference being re-



ferred) within the second term inclusive after the publication of the award. They were of opinion that it was an express award of the larger amount, and that the application was, in effect, to set it aside.

In the principal case there was, in like manner, an express award of the larger amount, and *Anderson v. Fuller* is expressly in point; but there is this distinction to be observed between the two cases. In *Anderson v. Fuller*, as in *Barton v. Ransom* (3 Mee. & W. 322) and *In re Wright and the Cromford Canal Company*, (1 Q. B. Rep. 98; 4 Per. & D. 730), the arbitrator had no power given him by the submission to state the facts for the opinion of the court, and unless he had himself come to an express decision, his award would have been bad; and, indeed, it would seem, from the last-cited case, that, if the court thought the express finding of the arbitrator to be wrong, they could not direct the verdict to be entered according to the hypothetical finding, but must set aside the award in toto. The application to the court, therefore, in such cases is clearly to set aside the award. But, where, as in the principal case, the arbitrator has power to raise points of law for the opinion of the court, he need not, and indeed ought not, to come to an express decision, but should find in the alternative as the court may decide the question raised on the face of the award. (Watson on Awards, 3rd ed., p. 281; *Bradbee v. Christ's Hospital*, 2 Dowl., N. S., 164; *Scott v. Vansandau*, 8 Jur. 1114). To the case of an award so made we apprehend *Anderson v. Fuller* is not applicable, and the application to the court should be regarded not as an application to set aside the award, but, as was argued in the principal case, as in the nature of an application for the judgment of the court upon a special case or a special verdict. In the one case the award may be acted upon without any application to the court, in the other it is inoperative without it.

In the principal case the arbitrator had improperly, as we think, made an express award, and, therefore, it might well be argued that *Anderson v. Fuller* was in point; but we venture to suggest, that, if he had made his award in the alternative, the court ought to have adopted a different rule, and have treated the application as for judgment upon a special case or a special verdict. But, whether applicable to awards of this kind or confined to those in which the arbitrator is bound to come to an express decision, the rule laid down in the principal case, as to the time for making the application to the court, is of great practical importance. Mr. Justice Patteson says, that the application ought to have been made on the 19th or 20th November at the latest, the defendants having on the 16th received notice of the making of the award. Taking the whole of the judgment, the rule is laid down that the application must be made within four days of the publication, if that takes place in term. Mr. Justice Coleridge's dictum in *Allenby v. Proudlock*, (4 Dowl. P. C. 54; Har. & Woll. 357), which was recognised and adopted by the court, is to that effect, and the analogy to motions for new trials upon which they acted leads to the same conclusion. Lord Denman says, "It is very desirable that there should be a general rule that these motions should be made within four days from the publication of the award; it would not bind parties from that which is called publication, if it were not so." What, then, is publication? Were the four days to be calculated from the 13th, when the award was made and taken up by the plaintiff, or from the 16th, when the defendants received notice of the making of it? Lord Denman says, "That is publication, according to reasonable construction, which is a notification of the award to the party, as much as the giving of the verdict in a case, as we held in *Macarthur v. Campbell*, (5 B. & Adol. 518; 2 Nev. & M. 444)." It would, certainly, be unjust to hold that the four days com-

menced from the making of the award and notice to one party, although the other did not receive notice until afterwards, as that might altogether prevent him from having the award set aside; but, unless we give to the word "publication" two different meanings, it must be so held.

In *Brooke v. Mitchell*, (6 Mee. & W. 473; 8 Dowl. P. C. 392), where a submission required the award to be made, and published, and ready for delivery to the parties, and after the award had been made and before notice one of the parties died, it was held that the award was made and published, within the meaning of the submission, before notice. But, in the same case, it is admitted, that, for the purpose of setting aside an award under the statute 9 & 10 Will. 3, c. 15, an award is only considered to be published when the parties have notice that it is made. And in this sense must the term "publication" be used in the rule laid down in the principal case; but we think it would be more correctly expressed, by saying, that an application to set aside an award, where the cause only is referred, must be made within the first four days in term, after notice of the award to the party making the application; and, subject to the doubt we have suggested as to its applying to all awards, we lay it before our readers as the rule to be observed in practice.

### COURT OF EXCHEQUER.

TRINITY TERM.—9 VICTORIA.—June 12.

This Court will, on Wednesday the 24th day of June instant, or on one or more of the subsequent days already appointed by Rule of Court for the sittings of this court after the present term, proceed to give judgment on the several rules to shew cause now standing for judgment.

Read in open court,

T. Dax.

By THE COURT.

### COURT OF EXCHEQUER CHAMBER.

TRINITY VACATION.

June 13.—Tindal, C. J., delivered the judgment of the court in the following cases:—

*Dimes v. The Grand Junction Canal Company*—Judgment reversed.

*Bynner v. Reginam*—Judgment affirmed.

*Reg. v. The York and North Midland Railway Company*—Judgment reversed.

*Keir v. Leeman*—Judgment affirmed.

June 15.—Tindal, C. J., delivered the judgment of the court in

*Partridge v. The Bank of England*—Judgment for defendant, so far as relates to the first and second counts, reversed; so far as relates to the last count, affirmed.

*Parke, B.*, delivered the judgment of the court in *Wedlake v. Gardner*—Judgment affirmed.

### GENTLEMEN CALLED TO THE BAR.

The following Gentlemen have been admitted to the degree of Barrister at Law:—

INNER TEMPLE.—Edmund Law, Esq.; Thomas Ingleby, Esq.; William Henry Richardson, Esq.; William Powell, Esq.; William Franks, Esq.; Edwyn Henry Vaughan, Esq.; Charles Warner Lewis, Esq.; John Boyle, Esq.

MIDDLE TEMPLE, 22nd May, 1846.—John Cockerton, Esq.; Thomas Jones, Esq.; Joseph Needham, Esq.; William Thomas Kime, Esq.; Henry Waller, Esq. 12th June.—Luke Henry Hansard, Esq., B.C.L.; Joseph Pringle Simpson, Esq., LL.B.; John William Ellison, Esq.; Charles Bicknell, Esq.; Perry Sparkes, Esq.; William Digby Seymour, Esq., B.A., Trinity College, Dublin; Frederick Joseph Blake Spurway, Esq.; Edward Power, Esq.

**THE LAW  
RELATING TO THE  
DISPOSITION OF REVERSIONARY INTERESTS OF  
MARRIED WOMEN IN CHATTELS PERSONAL.**

(Continued from p. 235).

**PART II.**

*The General Result of the Cases, with some Reasons in support of the practicability of dealing with Reversionary Interests of Married Women by means of Acceleration.*

The general result of the cases may be briefly stated in these general terms:—

I. An assignment by a married woman of a vested reversionary interest in chattels personal, if bequeathed or settled to her separate use, will be binding upon her even after the determination of the coverture.

II. A married woman cannot directly deprive herself or be deprived of a reversionary interest, as such, in personality not given for her separate use, so effectually that she will be precluded from asserting a claim to it, if her husband dies before her without having reduced it into possession.

III. But (even setting aside the authority of *Dorwell v. Earle*) a married woman may deprive herself or be deprived of chattels personal in which she has a vested reversionary interest, by means of the conversion of that reversionary interest into an interest in possession in herself, through the operation of merger consequent upon a surrender or assignment made to her of the prior life interest, where, at least, the party to whom that prior life interest is limited is some other person than her own husband; and by means of a subsequent reduction of the property into the possession of the husband.

IV. If, however, the reversionary interest of a married woman in personality is contingent, and bequeathed or settled to her separate use, and, a fortiori, if it be contingent and not bequeathed or settled to her separate use, she cannot deprive herself or be deprived of it, so as to be bound after the determination of the coverture.

With regard to the third of these propositions, we have seen that such is the doctrine of *Lachton v. Adams*, *Creed v. Perry*, and *Wilson v. Oldham*, and that such was the opinion of that very eminent lawyer, the late Mr. Jacob. And the writer of these observations submits, that this doctrine is perfectly sound in principle, although certain doubts would seem to be entertained upon this point by many learned members of the Profession.

1. One ground of doubt is, that a feme has a general right to disagree to and waive a purchase or gift on becoming discover. Now, with regard to this, a married woman may even acquire real estate by purchase; and the conveyance thereof to her is good in the first instance, and continues good during the coverture, or until her husband disagrees to it. And although it is true that she may disagree to and waive the purchase after her husband's death, (2 Bl. Com. 292; Co. Litt. 3. a.; 1 Bac. Abr., tit. "Baron and Feme"), yet this does not amount to a disclaimer of it, and denial of the estate having ever vested in her, but simply to a disagreement as to retaining what had vested in her while covert, and a waiver of it from the time of such disagreement; for it may be observed, that, in the books, disclaimer and disagreement are mentioned as two distinct ways of avoiding a deed, (see 4 Vin. Abr., tit. "Disagreement and Disclaimer," and 4 Cru. Dig., c. 26); every disagreement not being a disclaimer, which is an act that must be evidenced by a deed, though every disclaimer may perhaps be said to be a disagreement. And the fact that disagreement has not the effect of replacing things in the same state in which they were before, ap-

pears from a passage in Viner's Abridgment, tit. "Disagreement," A., pl. 6, wherein it is said, that, where a feme covert is enfeoffed, and afterwards the baron disagrees to it, yet all things executed between the livery and disagreement remain good. In fact, disagreement and waiver can have no effect whatever in the case of a surrender of a limited interest, capable, in itself, of merging, and actually merging, in consequence of such surrender. For if merger would be consequent on such surrender in the case of a feme sole, by analogy to real estate, and because it would be absurd that a life interest and the absolute interest in quasi remainder should continue to subsist as distinct interests in the same person; merger would be equally consequent in the case of a feme covert, unless any obstruction arises from the principles of equity in favor of a feme covert; merger being the result of the union of the two estates or interests, irrespective of the legal character of the party in whom they are united. But, as we shall presently see, no such obstruction exists, so that merger does take place. And if merger once takes place, the prior interest is thereby absorbed or extinguished; and if once absorbed or extinguished, it must for ever cease to exist. If, indeed, a feme, on becoming discover, disagrees to a conveyance to her in fee, or to an assignment of the absolute interest in personality, she may disagree to that to some purpose; for the subject-matter of the conveyance *must* necessarily exist, and the subject-matter of an assignment of that kind of interest *may* exist. But if she disagrees to and waives a surrender or assignment of a limited interest after merger has taken place, she cannot thereby call into existence again that interest which has been absorbed or extinguished, and therefore is necessarily gone for ever.

2. But, secondly, it is said, that, although the feme may be unable to avoid the transaction by disagreeing to and waiving the surrender or assignment, yet the contrivance must be inefficient, because, even admitting her vested reversionary interest might be merged, yet her contingent right by survivorship cannot be merged. The reply to this objection is, that there is no such thing as a contingent right by survivorship, considered as in any way distinct from her vested reversionary interest. It is true that the term is used by Mr. Jacob in the opinion which led to the institution of the suit of *Wilson v. Oldham*; and it is in fact in common use, and is doubtless very convenient to express with brevity the right which a married woman has to a reversionary interest in personal property, if her husband predecease her without having reduced the property into possession. But if it is supposed, that, on the death of the husband in the lifetime of the wife, there accrues to her any right or title to the property in which her reversionary interest subsists, distinct from that which she had during the coverture, such a notion is erroneous. The true state of the case is simply this: the very same kind of right to the property which constituted her reversionary interest in such property, and which she had at the moment of marriage, she continues to have during the coverture, unaltered by the marriage except in regard to the cessation of her disposing power; and the very same right, and nothing more, she still has after the coverture has ceased. She gains no new right to the property by surviving her husband: properly speaking, she has no right by survivorship; her right is quite independent of survivorship. If her interest is reduced into possession by the husband during the coverture or merged, she loses all right, whether she survives him or not. If, on the other hand, it is not reduced into possession by him or merged, her right continues in her during the coverture and after the coverture has ceased. The only difference in this last case between the right as existing during the coverture, and the right as existing after the coverture has ceased, is this; that, after the coverture has ceased, the right is

no longer liable to be defeated by the reduction of the property into possession by the husband, and it is alienable by the feme. A right by survivorship, therefore, as a distinct thing from the reversionary interest itself, has no existence. The reversionary interest itself is that which constitutes the right, and the only right, which the feme has, not only in her husband's lifetime, but also after his decease. If that reversionary interest has ceased to exist, by reason of merger or otherwise, no right remains to her at all, whether her husband be living or dead.

3. It is said that the above mode of barring the wife, by the acceleration of her reversionary interest, is repugnant to the course taken by courts of equity in regard to married women; and that an obstruction arises from the doctrines of equity to the adoption of that mode as an effectual means of attaining the desired end.

If it be objected, that, by establishing and carrying out any such arrangement as that above alluded to, a court of equity is depriving a married woman, or assisting her to deprive herself, of rights which she would have at law, the answer to this objection is, that, when the prior life interest has been surrendered or assigned, in such a way that (but for any supposed obstruction from the doctrines of equity) it would merge in the reversionary interest, and such reversionary interest would thereby be converted into an interest in possession, the wife loses all right at law, if she ever had any, without the interference of a court of equity. If the reversionary interest is a *legal* interest, she loses it by the legal operation of the surrender or assignment, in creating a state of things in which the legal consequence of merger ensues, which accelerates the reversionary interest, and places the property in the power of the husband, without the interference of a court of equity. Equity, in this case, even if it be called upon to establish or sanction such an arrangement, does not deprive the married woman of her legal rights, or assist her in depriving herself of them; for the operation of law, consequent upon the legal acts of third persons, has already taken away those legal rights; and all that the court does is this: to declare that those legal rights have been taken away, and that the property is to be dealt with accordingly. And if the reversionary interest is an *equitable* interest, then, of course, it would be a contradiction in terms to speak of her having any right at law. Equity, in this case, only acts according to its well-known course of assimilating equitable and legal interests, in accordance with its maxim, "Equity follows the law;" allowing the same effect to the assignment or surrender in equity, in the case of such an equitable interest, as it would possess at law in the case of a legal interest; just as it allows the husband's disposal of his wife's reversionary interest, and even contingent interest, in the trust of a term for years to bind the wife, by analogy to the effect of his assignment of her legal reversionary interest in a term. *Donne v. Hart*, 2 Russ. & My. 360.

If it be urged, that the plan in question is a fraudulent contrivance to deprive the feme of the provision which she would otherwise have, there does not appear to be any real foundation for the objection.

First, it is no fraud on the intention of the author of the instrument creating the reversionary interest, or not more so than other transactions which are allowed every day. How can it be supposed that this contrivance would be invalid on the ground of fraud, when a court of equity holds, that if a reversionary interest, and even a contingent interest, of a married woman in the trust of a term for years, is sold by her husband, such sale will bind her, though the husband dies in her lifetime, and while the interest still continues reversionary and contingent? (*Donne v. Hart*, 2 Russ. & My. 360; 2 Story's Eq. Jurisp. 1410). But, even setting aside this argument, if an immediate interest in per-

sonalty be given in trust for a married woman for life, with remainder over, it is no fraud in her husband to dispose of it at once; yet there can be little doubt, that, by so doing, he disappoints the intentions of the giver. Now, as regards the design of the giver of a reversionary interest to a married woman, there is no more manifestation of a design to secure a provision for the wife against the marital power in this case, than in the former case of an immediate interest; nor is there even any proof of a desire that she should not enjoy the property until the time fixed for the commencement of her enjoyment thereof, except so far as there is a desire to benefit the prior taker by the postponement of such enjoyment for his sake. The obvious and actual motive for the postponement is, to benefit the prior taker, not to secure a provision for the subsequent taker against the marital power, or to deprive her, for any reason personal to herself, of the enjoyment of that provision until the period actually fixed for the commencement of such enjoyment.

Secondly, the above-mentioned contrivance for barring a married woman is no fraud on the policy of the law or of the courts of equity. Where is the supposed especial favour with which a married woman is treated by a court of equity, as against her husband's power, independently of an express and unequivocal intention of the author of an instrument, except so far as the court enforces a settlement out of her own property, unless she waives it? The creation of a separate inalienable estate is a mere carrying out of the express and unequivocal intention of the giver of the property. If there were any such especial favour, why is it not shewn in regard to equitable reversionary interests in terms for years? Why is it not shewn in giving dower of a trust estate in cases not within the Dower Act?

There is no doctrine to the effect, that, where the interest of a married woman happens to be circumstanced in such a way that it cannot be affected while it continues to be so circumstanced, no means shall be used to change the circumstances, so as to place the interest in a position to be affected. To act upon such a doctrine, would be in direct contravention of the fundamental maxim, that equity follows the law, and, after all, would, in many cases, as in *Macarrie v. Buller*, be the greatest possible unkindness to the wife herself. In a case in which the writer was instructed, a short time ago, to settle a deed to bar the claim of a married woman to her reversionary interest, the prior taker, who was the widow of the author of that reversionary interest, was desirous of giving up her life interest in a small fund, in order to settle in business the husband of her daughter to whom such reversionary interest was limited. Can it be supposed, that, in a case of this kind, a court of equity would be doing a real kindness to the wife, or best satisfying the intentions of the author of the provision for her, if it rigidly secured that provision against all means to bring it within the marital power in the lifetime of the prior taker? And, besides these considerations, why should that provision be so carefully guarded against the marital power during the lifetime of the prior taker, when, at the instant of such prior taker's decease in the lifetime of the husband, it becomes at once subject to his disposing power?

4. But it is further objected, that it is a maxim, that what cannot be done directly, shall not be done indirectly. This maxim, however, does not apply to the present subject; it only applies to an attempt to do that which is contrary to some fundamental rule or principle of policy. The attempt in question is not of that character; being only an attempt to bar the claim of a feme to an interest in personal property by taking away its reversionary character. The maxim above mentioned no more applies to this attempt, than it applies to the plan of barring her dower by means of the ordinary uses to bar dower, where prior to the late Dower Act, no

direct attempt, by means of a conveyance or express declaration, could have accomplished that purpose.

No case has yet been adjudged, where an attempt has been made to dispose of personal property in which a married woman has a reversionary interest, by the use of the preliminary means of merger and acceleration, where the prior interest has been limited to the husband himself. But the writer inclines to the opinion, that, even where the husband is the prior taker, the same means of surrender, merger, and acceleration of the wife's reversionary interest may be effectually employed, as a mode of placing that interest within the power of the husband. But, of course, in this case, in which the prior interest is limited to the husband, a preliminary assignment by the husband will be necessary: he must first assign his prior interest to a third person; and then the surrender may be made by such third person to the wife.

All the previous reasoning as to the cases where the husband himself is not the prior taker, except that which is directed against the objection, that the transaction in question is a fraud upon the intention of the author of the instrument, equally applies to cases where the husband is the first taker. But that objection is far more difficult to meet in cases of the kind last mentioned: yet, when the matter is closely considered, it is conceived that it may be completely disposed of, even as it applies to those cases.

Where an interest is limited to a married woman by way of remainder after a life interest given by the same instrument to her husband, a provision is made for her, after her husband's death, by the very terms of the instrument; and, at first sight, it does seem a fraud on the instrument to adopt a contrivance which has the effect of depriving her of the provision so made for her, and limited to commence at a time which is capable of being regarded as personal to herself—at a time when the wife in general stands most in need of property of her own. But, on closer consideration, there would seem to be but little weight in this objection. The time of enjoyment is not of the essence of the intention in this case. Even in this case, the *prima facie* motive for the postponement of the enjoyment till the period of the husband's decease, is, to benefit the husband, as the prior taker. What the author of the instrument essentially intended was, to make a provision, generally, for the married woman; but, as there was a concurrent intention to make a provision for her husband also, the general intention for providing for the wife is accomplished by giving her a reversionary interest after a life interest in her husband. The *prima facie* reason, then, why her interest was reversionary, and incapable, as such, of being reduced into the possession of the husband, is not a reason personal to herself, and not a reason affording any peculiar ground for supposing an exemption from marital power to have been particularly intended; and not a reason, therefore, which effectually distinguishes this case of a provision for the wife after her husband's death, or, in other words, this case of a reversionary interest expectant on the determination of a life interest in the husband, from the other cases where the prior life interest is limited to a third person. The benefit of the prior taker is the *prima facie* reason of the postponement; or, at all events, that is a reason which fully accounts for the postponement, and to which such postponement may consequently be fairly attributed. And if this be so, there is no substantial reason, founded on the supposed intention of the author of the instrument, why legal means should not be used by the husband for reducing the interest of the wife into possession, by taking away the reversionary character of the interest which *prima facie* was given to it, or may be fairly regarded as given to it, not for the benefit

of the wife, but in order to provide for him in the first instance; or, at least, no more reason why this should be considered as a fraud on the intention of the author of the instrument, than an absolute disposition by the husband of an immediate interest limited in trust for his wife for her life, (not for her separate use), with remainder over, or of her equitable reversionary interest in a term for years, or than the analogous case of a disposition by the husband and wife of her trust estate in real property expectant on a life estate in himself.

But it will be said, that, as the state of the law must be presumed to have been known by the author of an instrument, and as the general impression of the Profession has been that such a reversionary interest could not be effectually dealt with; so, a reversionary provision may have been made for the feme, rather than an immediate one, for the very purpose of protecting it from the marital power. This, however, is purely conjecture. The desire of providing for the husband in the first instance, as we have seen, is a reason which may fairly be regarded as fully accounting for the reversionary character of the wife's provision. And, if the author of the instrument designed to secure a provision for the wife against her husband, we have seen that he could have effectually accomplished that design, by making it contingent on her survivorship. But, even if that was clearly and unequivocally his design, in the limitation in question, still the frustration of that design by the use of ordinary legal means would be no more objectionable, as a fraud on his intention, than the barring of an entail with the view of selling the entailed estate and spending the proceeds. Yet, in regard to entails of equitable interests, a court of equity has allowed them to be barred by the same means as legal interests, instead of refusing to sanction such transactions on the ground of fraud on the issue, who are entitled to the consideration of the court, and, in the case of an entail under a settlement, are purchasers for valuable consideration. And, as equity, in this instance, allows legal means to have an effect on equitable interests analogous to the effect which those means would have on legal interests; so, it ought to allow the same means which would be effectual in the disposition of a married woman's legal reversionary interest in personal estate, to be as effectual in the case of her equitable reversionary interest. For it is a fundamental maxim, that equity follows the law; the true meaning of which (as the writer has endeavoured to shew in his "Manual of Equity Jurisprudence," pp. 18—24) is, that equity is governed by legislative enactments and the rules of law in regard to legal estates, rights, and interests, and that it is regulated by the analogy of such legal estates, rights, and interests, and the legislative enactments and rules of law affecting the same, in regard to equitable estates, rights, and interests, where any such analogy plainly subsists, if, in each case, there are no *peculiar circumstances* rendering it absolutely necessary to deviate from this rule, or creating an equitable obligation in one of the litigant parties, and an equitable correlative right in favour of another litigant party, and requiring a different course to be taken in the *particular case*, without overturning or destroying the *general* application of any legislative enactments or rules of law that may, in terms or by analogy, apply to the case. In the case with which we are now concerned, we are speaking of the "general application" of certain rules or principles of law to the case of reversionary interests, where there are no "peculiar circumstances." Any real or supposed hardship that would result from the *general* application of the legal rules or principles of merger to such interests, would not constitute a sufficient ground for withholding the general application of those rules or principles. For, equity follows the law, even where, by so doing, great hardship is occasioned; as in the case of following the rules

of primogeniture in instances where all the younger children are wholly unprovided for.

If the contrivance for barring a married woman by merger and acceleration be allowed, no doubt great evil will result in many cases, by leaving a widow entirely destitute. But, on the other hand, as in *Batt v. Cuthbertson*, there are many cases where a reduction of the wife's interest into possession may rescue a whole family, the wife herself included, from abject and hopeless destitution, or from difficulties of the most trying character; where the preservation of that interest would be attended with no other good than to provide for an event (that of the survivorship of the wife) which is as likely not to happen as to happen, and which the wife herself would of course rejoice to risk. The truth would seem to be, that it is impossible to determine this question on principles of expediency. And, as a question of legal and equitable principle, the writer conceives, that, looking to the analogies of equity jurisprudence, the preponderance of principle is in favour of the validity of the mode of disposition above pointed out, even where the husband himself has the prior life interest. For he submits, that, according to those analogies, equity ought to follow the law by sanctioning the acceleration of her equitable reversionary interest, and ought to confine its protective care to the enforcing of her equity to a settlement out of such interests, unless she consents to waive the same.

### Court Papers.

#### EQUITY SITTINGS AFTER TRINITY TERM, 9 VIC.

#### Court of Chancery.

*Before the LORD CHANCELLOR, at Lincoln's Inn.*

Monday....	June 22	First Seal.—Appeal Motions.
Tuesday .....	23	} Appeals.
Wednesday ....	24	
Thursday .....	25	} (Petition-day).—Unopposed Petitions and Appeals.
Friday .....	26	
Saturday .....	27	Appeals.
Monday .....	29	Second Seal.—Appeal Motions.
Tuesday .....	30	} Appeals.
Wednesday ..	July 1	
Thursday .....	2	} (Petition-day).—Unopposed Petitions and Appeals.
Friday .....	3	
Saturday .....	4	Appeals.
Monday .....	6	Third Seal.—Appeal Motions.
Tuesday .....	7	} Appeals.
Wednesday .....	8	
Thursday .....	9	} (Petition-day).—Unopposed Petitions and Appeals.
Friday .....	10	
Saturday .....	11	} Appeals.
Monday .....	13	
Tuesday .....	14	} (Petition-day).—Unopposed Petitions and Appeals.
Wednesday .....	15	
Thursday .....	16	} Appeals.
Friday .....	17	
Saturday .....	18	} Appeals.
Monday .....	20	
Tuesday .....	21	} Appeals.
Wednesday .....	22	
Thursday .....	23	Fourth Seal.—Appeal Motions.
Friday .....	24	General Petition-day.

Such days as his Lordship is occupied in the House of Lords excepted.

### Rolls Court.

*Before the Right Hon. the MASTER OF THE ROLLS, at the Rolls.*

Monday ....	June 22	Motions.
Tuesday .....	23	} Pleas, Demurrers, Causes, Further Directions, and Exceptions.
Wednesday ....	24	
Thursday .....	25	
Friday .....	26	
Saturday .....	27	} Motions.
Monday .....	29	
Tuesday .....	30	} Pleas, Demurrers, Causes, Further Directions, and Exceptions.
Wednesday ..	July 1	
Thursday .....	2	
Friday .....	3	
Saturday .....	4	} Motions.
Monday .....	6	
Tuesday .....	7	} Pleas, Demurrers, Causes, Further Directions, and Exceptions.
Wednesday ....	8	
Thursday .....	9	
Friday .....	10	
Saturday .....	11	} Pleas, Demurrers, Causes, Further Directions, and Exceptions.
Monday .....	13	
Tuesday .....	14	} Pleas, Demurrers, Causes, Further Directions, and Exceptions.
Wednesday .....	15	
Thursday .....	16	
Friday .....	17	
Saturday .....	18	} Motions.
Monday .....	20	
Tuesday .....	21	} Petitions in General Paper.
Wednesday .....	22	
Thursday .....	23	} Petitions in General Paper.
Friday .....	24	

Short Causes, Consent Causes, and Consent Petitions every Saturday at the sitting of the court.

*Notice.*—Consent Petitions must be presented, and copies left with the Secretary, on or before the Thursday preceding the Saturday on which it is intended they should be heard.

### Vice-Chancellors' Courts.

*Before the VICE-CHANCELLOR OF ENGLAND, at Lincoln's Inn.*

Monday ....	June 22	First Seal.—Motions.
Tuesday .....	23	} Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Wednesday ....	24	
Thursday .....	25	} (Petition-day).—Petitions, (unopposed first), Short Causes, and Causes.
Friday .....	26	
Saturday .....	27	Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Monday .....	29	Second Seal.—Motions.
Tuesday .....	30	} Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Wednesday ..	July 1	
Thursday .....	2	} (Petition-day).—Petitions, (unopposed first), Short Causes, and Causes.
Friday .....	3	
Saturday .....	4	Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Monday .....	6	Third Seal.—Motions.
Tuesday .....	7	} Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Wednesday .....	8	
Thursday .....	9	} (Petition-day).—Petitions, (unopposed first), Short Causes, and Causes.
Friday .....	10	
Saturday .....	11	} Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Monday .....	13	
Tuesday .....	14	} (Petition-day).—Short Causes, Petitions, and Causes.
Wednesday .....	15	
Thursday .....	16	} Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Friday .....	17	
Saturday .....	18	} Fourth Seal.—Motions.
Monday .....	20	
Tuesday .....	21	} (General Petition-day).—Petitions and Short Causes.
Wednesday .....	22	
Thursday .....	23	} (General Petition-day).—Petitions and Short Causes.
Friday .....	24	

*Before VICE-CHANCELLOR KNIGHT BRUCE, at Lincoln's Inn.*

Monday ....	June 22	First Seal.—Motions.
Tuesday .....	23	{ Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Wednesday .....	24	Bankrupt Petitions and Causes.
Thursday .....	25	{ Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Friday .....	26	(Petition-day).—Petitions and Causes.
Saturday .....	27	Short Causes and Causes.
Monday .....	29	Second Seal.—Motions and Causes.
Tuesday .....	30	{ Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Wednesday ..	July 1	Bankrupt Petitions and Ditto.
Thursday .....	2	{ Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Friday .....	3	(Petition-day).—Petitions and Causes.
Saturday .....	4	Short Causes and Causes.
Monday .....	6	Third Seal.—Motions and Causes.
Tuesday .....	7	{ Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Wednesday .....	8	Bankrupt Petitions and Ditto.
Thursday .....	9	{ Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Friday .....	10	(Petition-day).—Petitions and Causes.
Saturday .....	11	Short Causes and Causes.
Monday .....	13	Bankrupt Petitions and Ditto.
Tuesday .....	14	{ Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Wednesday .....	15	Bankrupt Petitions and Ditto.
Thursday .....	16	{ Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Friday .....	17	(Petition-day).—Petitions and Causes.
Saturday .....	18	Short Causes and Causes.
Monday .....	20	Bankrupt Petitions and Causes.
Tuesday .....	21	{ Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Wednesday .....	22	Bankrupt Petitions and Ditto.
Thursday .....	23	Fourth Seal.—Motions.
Friday .....	24	(Petition-day).—Petitions and Causes.
Saturday .....	25	Short Causes, Petitions, and Causes.
Monday .....	27	Petitions and Causes.

Tuesday .....	28	Petitions and Causes.
Wednesday .....	29	
Thursday .....	30	
Friday .....	31	Short Causes and Causes.
Saturday ....	Aug. 1	Bankrupt Petitions.

*Before VICE-CHANCELLOR WIGRAM, at Lincoln's Inn.*

Monday ....	June 22	First Seal.—Motions and Causes.
Tuesday .....	23	{ Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Wednesday ....	24	
Thursday .....	25	
Friday .....	26	(Petition-day).—Ditto.
Saturday .....	27	{ Short Causes, Petitions, (unopposed first), and Causes.
Monday .....	29	Second Seal.—Motions and Causes.
Tuesday .....	30	{ Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Wednesday ..	July 1	
Thursday .....	2	
Friday .....	3	(Petition-day).—Ditto.
Saturday .....	4	{ Short Causes, Petitions, (unopposed first), and Causes.
Monday .....	6	Third Seal.—Motions and Causes.
Tuesday .....	7	{ Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Wednesday .....	8	
Thursday .....	9	
Friday .....	10	(Petition-day).—Ditto.
Saturday .....	11	{ Short Causes, Petitions, (unopposed first), and Causes.
Monday .....	13	{ Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Tuesday .....	14	
Wednesday .....	15	
Thursday .....	16	{ (Petition-day).—Ditto.
Friday .....	17	
Saturday .....	18	
Monday .....	20	{ Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Tuesday .....	21	
Wednesday .....	22	
Thursday .....	23	Fourth Seal.—Motions and Causes.
Friday .....	24	(Petition-day).—Petitions and Causes.
Saturday .....	25	Short Causes, Petitions, and Causes.

### CIRCUITS OF THE JUDGES.

(The Lord Chief Baron POLLOCK will remain in Town).

SUMMER CIRCUITS, 1846.	N. WALES.	S. WALES.	OXFORD.	HOME.	NORFOLK.	MIDLAND.	NORTHERN.	WESTERN.
	Ld. Denman	B. Rolfe	L.C.J. Tindal J. Maule	B. Parke J. Coltman	B. Alderson J. Williams	J. Patteson J. Coleridge	J. Wightman J. Crosswell	J. Erle B. Platt
Saturday, July 4	.....	Cardiff	.....	.....	.....	.....	.....	.....
Thursday ... 9	.....	.....	Abingdon	Hertford	.....	.....	York & City	.....
Friday .....	.....	.....	.....	.....	Buckingham	.....	.....	.....
Saturday ... 11	.....	.....	Oxford	.....	.....	.....	.....	Winchester
Monday ... 13	Newtown	Carmarthen	.....	Chelmsford	.....	Northamp-	.....	.....
Tuesday ... 14	.....	.....	.....	.....	Bedford	ton	.....	.....
Thursday ... 16	Dolgelly	.....	.....	.....	.....	.....	.....	.....
Friday ... 17	.....	.....	Worcester &	.....	Huntingdon	Oakham	.....	Dorchester
Saturday ... 18	Carnarvon	Haverford	[City	.....	Cambridge	Lincoln and	.....	.....
Monday ... 20	.....	[west & Tn.	.....	Maidstone	.....	[City	.....	.....
Tuesday ... 21	.....	.....	.....	.....	.....	.....	.....	Devises
Wednesday ... 22	Beaumaris	Cardigan	.....	.....	Norwich and	Nottingham	.....	.....
Thursday ... 23	.....	.....	Stafford	.....	[City	[& Town	Durham	.....
Saturday ... 25	Ruthin	Brecon	.....	.....	.....	.....	.....	Exeter & City
Monday ... 27	.....	.....	.....	Lewes*	.....	Derby	.....	.....
Tuesday ... 28	.....	.....	.....	.....	Ipswich	.....	.....	.....
Wednesday ... 29	Mold	Prestelgn	Shrewsbury	.....	.....	.....	Newcastle &	.....
Thursday ... 30	.....	.....	.....	Guildford	.....	Leicest. & B.	[Town	.....
Saturday, Aug. 1	Chester	Chester	Hereford	.....	.....	.....	.....	Bodmin
Monday ... 3	.....	.....	.....	.....	.....	Coventry	.....	.....
Tuesday ... 4	.....	.....	.....	.....	.....	Warwick	Carlisle	.....
Wednesday ... 5	.....	.....	Monmouth	.....	.....	.....	.....	.....
Thursday ... 6	.....	.....	.....	.....	.....	.....	.....	Wells
Saturday ... 8	.....	.....	Glo'ster & C.	.....	.....	.....	Appleby	.....
Tuesday ... 11	.....	.....	.....	.....	.....	.....	Lancaster	.....
Thursday ... 13	.....	.....	.....	.....	.....	.....	.....	Bristol
Saturday ... 15	.....	.....	.....	.....	.....	.....	Liverpool	.....

\* Business to commence at twelve o'clock on Monday.

## London Gazette.

TUESDAY, JUNE 16.

## BANKRUPTS.

**JAMES BICKERTON**, Castle-street, Southwark, Surrey, hat manufacturer, (trading under the firm of Bickerton & Son), June 26 at half-past 1, and July 28 at 11, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Fox, Finsbury-circus.—Fiat dated June 13.

**HENRY ELPHICK**, Wardour-street, St. James's, Middlesex, licensed victualler, dealer and chapman, June 23 at half-past 1, and July 28 at 11, Court of Bankruptcy, London: Off. Ass. Belcher; Sol. Buchanan, Basinghall-street, London.—Fiat dated June 8.

**WILLIAM FILBEY**, Wrydisbury, Buckinghamshire, coach maker, dealer and chapman, June 23 and July 20 at half-past 10, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Lloyd, Milk-street, Cheapside.—Fiat dated June 12.

**EDWARD GARDNER**, Fieldgate-st., Whitechapel, Middlesex, manufacturing chemist, June 23 at 12, and July 21 at 1, Court of Bankruptcy, London: Off. Ass. Green; Sol. Spillan, Camomile-street.—Fiat dated June 6.

**JOHN COLLINS STAINES**, Oundle, Northamptonshire, tailor and draper, June 30 at 1, and July 25 at 12, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Wood & Fraser, 78, Dean-street, Soho.—Fiat dated June 8.

**THOMAS PILBEAM**, Parker-street, Drury-lane, and Hanover-court, Hart-street, Covent-garden, Middlesex, coach-smith, wheelwright, dealer and chapman, June 26 at 2, and July 21 at half-past 11, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Goren, South Molton-st., Oxford-street.—Fiat dated June 11.

**JOHN BOULTON**, Ashton-under-Lyne, Lancashire, carrier, dealer and chapman, June 26 and July 17 at 11, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Sale & Co., Manchester; Reed & Langford, Friday-street, Cheapside, London.—Fiat dated June 10.

**WILLIAM KIRBY**, Liverpool, hotel keeper, June 23 at 12, and July 21 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Yates, Liverpool; Holme & Co., New Inn, London.—Fiat dated June 11.

**JOSEPH GREAVES SMITH**, Liverpool, grocer and corn dealer, dealer and chapman, June 29 and July 21 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Hetherington & Co., Liverpool; Keightley & Co., 43, Chancery-lane, London.—Fiat dated June 4.

**PATRICK HARE**, Liverpool, tallow chandler, June 29 and July 21 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Avison & Pritt, Liverpool; Norris & Co., Bartlett's-buildings, London.—Fiat dated June 11.

**WALLER BATES**, Manchester, stock and share broker, dealer and chapman, June 29 and July 22 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Cooper, Manchester; Gregory & Co., Bedford-row, London.—Fiat dated June 11.

**GEORGE BARTON and JOHN BARTON**, Manchester, copper roller manufacturers, (carrying on business under the firm of M. Barton & Co., the said John Barton lately carrying on business as a calico printer in co-partnership with William Nelson Wilson), June 30 and July 20 at 11, District Court of Bankruptcy, Manchester: Off. Ass. Slater & Heelis, Manchester; Sols. Milne & Co., Temple, London.—Fiat dated June 13.

**SIDNEY SMITH**, Bedminster, Bristol, grocer, dealer and chapman, July 2 at 1, and Aug. 3 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sol. Perkins, Bristol.—Fiat dated June 12.

**WILLIAM HENRY SMITH, Esq.**, Swansea, Glamorgan-shire, newspaper proprietor and printer, dealer and chapman, July 2 and Aug. 3 at 1, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sol. Strick, 10, Doughty-st., London.—Fiat dated June 8.

## MEETINGS.

**Jonas Tebbutt**, Cambridge, auctioneer, June 26 at 12, Court of Bankruptcy, London, pr. d.—**Griffith J. Hughes**, Liverpool, commission merchant, June 29 at 12, District Court of Bankruptcy, Liverpool, last ex.—**Wm. Edmond**, Bombay, East Indies, and **Thos. Edmond**, Liverpool, merchants, June 26 at 11, District Court of Bankruptcy, Manchester, last ex. **Wm. Edmond**—**Wm. Chessor**, Commercial-road, Stepney,

Middlesex, cooper, July 10 at half-past 1, Court of Bankruptcy, London, and ac.—**Jas. Giro**, Moorgate-st., London, merchant, July 10 at 12, Court of Bankruptcy, London, and ac.—**Wm. Stearman**, Princes-st., Cadogan-st., Chelsea, Middlesex, carpenter, July 10 at 11, Court of Bankruptcy, London, and ac.—**John M'Alister**, Liverpool, upholsterer, July 7 at 12, District Court of Bankruptcy, Liverpool, and ac.—**Steph. Verthe**, Liverpool, merchant, July 8 at 11, District Court of Bankruptcy, Liverpool, and ac.; July 10 at 11, div.—**George Robertson**, **John Garrow**, and **John Alexander**, Liverpool, rope manufacturers, July 7 at 11, District Court of Bankruptcy, Liverpool, and ac.; July 8 at 11, div.—**Geo. Osborn**, Exeter, whip maker, July 14 at 11, District Court of Bankruptcy, Exeter, and ac.; July 15 at 11, div.—**Wm. S. Harley**, Penzance, Cornwall, hatter, July 14 at 11, District Court of Bankruptcy, Exeter, and ac.; July 15 at 11, div.—**Wm. Wailes**, Newcastle-upon-Tyne, grocer, July 7 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.—**Jas. Birkett**, Cocker-mouth, Cumberland, tanner, July 7 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.; July 9 at 1, div.—**Peter Hansen**, Newcastle-upon-Tyne, merchant, July 7 at half-past 10, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.; July 9 at 12, div.—**Wm. Lawrence**, Sheffield, Yorkshire, store manufacturer, July 10 at 11, Cutlers'-hall, Sheffield, and ac. and div.—**Ann Walker**, widow, Wolverhampton, Staffordshire, July 9 at 12, District Court of Bankruptcy, Birmingham, and ac.—**E. S. Hanley**, Birmingham, grocer, July 14 at 11, District Court of Bankruptcy, Birmingham, and ac.—**Wm. Henry Robinson**, Leicester, wine merchant, July 14 at 11, District Court of Bankruptcy, Birmingham, and ac.—**Wm. B. Sterry**, Jamaica-row, and Bermondsey-wall, Bermondsey, Surrey, sail maker, July 7 at half-past 12, Court of Bankruptcy, London, div.—**Joseph Hook**, Nine-elms, and Wandsworth-road, Surrey, contractor and brick merchant, July 7 at 1, Court of Bankruptcy, London, div.—**John Harvard**, Brook-street, Bond-street, Middlesex, lamp maker, July 7 at half-past 1, Court of Bankruptcy, London, div.—**Miles Griffiths** and **Philip Pearson**, New Bond-street, Middlesex, tailors, July 10 at 11, Court of Bankruptcy, London, div.—**Elizabeth Smith Dykes**, Romford, Essex, basket maker, July 4 at 1, Court of Bankruptcy, London, div.—**Samuel Pritchett** and **Joseph Peckover Oridge**, Chorlbury, Oxfordshire, glove manufacturers, July 4 at 1, Court of Bankruptcy, London, div.—**Thomas Cooper**, New Bond-street, Middlesex, umbrella manufacturer, July 7 at 1, Court of Bankruptcy, London, div.—**David Clark**, New Broad-street, London, merchant, July 8 at 1, Court of Bankruptcy, London, div.—**Ann Martin**, Sturminster Newton, Dorsetshire, widow, linen draper, July 7 at 12, Court of Bankruptcy, London, div.—**Mich. Emanuel** and **Henry Emanuel**, Hanover-square, Middlesex, goldsmiths, July 7 at 12, Court of Bankruptcy, London, div.—**James Kewley**, Liverpool, tailor, July 7 at 12, District Court of Bankruptcy, Liverpool, div.—**Thomas Pitcairn**, Liverpool, merchant, July 7 at 11, District Court of Bankruptcy, Liverpool, div.—**Thomas Wenman**, Birmingham, merchant, July 10 at 12, District Court of Bankruptcy, Birmingham, div.—**James Challen**, Odiam, Southampton, brewer, July 8 at 1, Court of Bankruptcy, London, div.

## CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting:

**Chas. John Bond**, Tranquil-vale, Blackheath, Kent, tailor, July 10 at 12, Court of Bankruptcy, London.—**Wm. Collins**, Rugby, Warwickshire, tailor, July 8 at 11, Court of Bankruptcy, London.—**John Harrison**, Kingston-upon-Hull, ship chandler, July 8 at 11, Town-hall, Kingston-upon-Hull.—**S. M. Wade**, Liverpool, guano merchant, July 9 at 11, District Court of Bankruptcy, Liverpool.—**Saml. Board**, Bristol, woollen draper, July 7 at 11, District Court of Bankruptcy, Bristol.—**John Wilmot**, Lenton, Nottinghamshire, coach proprietor, July 10 at 12, Cutlers'-hall, Sheffield.—**Saml. Ogden**, Manchester, woollen and cotton factor, July 8 at 12, District Court of Bankruptcy, Manchester.—**Henry Fowler**, Manchester, share broker, July 8 at 12, District Court of Bankruptcy, Manchester.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before July 7.

**Samuel Pursell**, Strand, Middlesex, ironmonger.—**Edward Williams**, Bishopsgate-street Without, London, linen draper.



—Richard Essoll, Broad-street, Bloomsbury, Middlesex, draper.—Wm. B. Lupton, Leeds, Yorkshire, flax spinner.—William Rickman Lejeune, Southampton, corn merchant.—John Wright, Yamworth, Staffordshire and Warwickshire, scrivener.—John N. Dumbrell the younger, Eastbourne, Sussex, baker.—Samuel Cullen, Nottingham, chymist.—Philip Cripin, Bristol, carpenter.

## FIATS ANNULLED.

William White, Tavistock, Devonshire, tailor.—Richard Harvey, Chacewater, Cornwall, grocer.

## SCOTCH SEQUESTERATIONS.

James Dick, Glasgow, builder.—Robert M'Indoe, Glasgow, merchant.—James Carmichael, Sandyford, near Glasgow, builder.—David Armstrong, Dumfries, writer.

## INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

John Speakman the younger, Chelmsford, Essex, miller, June 23 at 2, Court of Bankruptcy, London.—Mary Tittenor, Drury-lane, St. Giles in the Fields, Middlesex, glass and china dealer, June 23 at half-past 2, Court of Bankruptcy, London.—James Garland, Albert-row, Chelsea, Middlesex, pork butcher, June 23 at 1, Court of Bankruptcy, London.—George Benjamin Groom, Walton-on-Thames, Surrey, carpenter, June 23 at half-past 2, Court of Bankruptcy, London.—Thomas Dodge Standeven, Richmond-street, Haymarket, Westminster, Middlesex, coal dealer, June 23 at half-past 11, Court of Bankruptcy, London.—John Baughen, Stanley-place, Paddington, Middlesex, plumber, June 25 at half-past 11, Court of Bankruptcy, London.—Edward Imms, Johnson's-terrace, Bridge-street East, Mile-end, Middlesex, extra coal weigher at the Coal Exchange, Billingsgate, London, June 23 at 3, Court of Bankruptcy, London.—John Lewis Le Menier White, Teddington, Middlesex, chymist, June 25 at 12, Court of Bankruptcy, London.—Alfred Moore, Kingsland-green, Hoxton, Middlesex, engraver, June 25 at half-past 1, Court of Bankruptcy, London.—Edw. B. Ground, York-street, Kingsland-road, Middlesex, in the employ of the London City Mission Society, June 23 at 11, Court of Bankruptcy, London.—Henry Gamble Blagrove, Mortimer-street, Cavendish-square, Middlesex, professor of music, June 23 at 12, Court of Bankruptcy, London.—Edward Oak, Burrough-green, Cambridgeshire, occasional brewer, June 23 at half-past 12, Court of Bankruptcy, London.—Wm. Johnson, Great Shelford, Cambridgeshire, carpenter, June 23 at 2, Court of Bankruptcy, London.—Grace Ann Hamilton, Arbour street East, Commercial-road, Stepney, Middlesex, widow, linen draper, June 23 at 1, Court of Bankruptcy, London.—Thomas Atterton, Bury St. Edmund's, Suffolk, maltster, June 25 at 2, Court of Bankruptcy, London.—Thomas White, High-street, Poplar, Middlesex, carpenter, June 25 at 11, Court of Bankruptcy, London.—Jos. Augustus Leven, Regent-square, Gray's-inn-road, St. Pancras, Middlesex, clerk in the Crown Surveyor's Office, July 2 at 1, Court of Bankruptcy, London.—Christopher Clark, Green-street, Chelsea, Middlesex, conductor to an omnibus, June 25 at 2, Court of Bankruptcy, London.—George Baron, Blackburn, Lancashire, tin plate worker, June 23 at 12, District Court of Bankruptcy, Manchester.—John Scott, Liverpool, appraiser, June 29 at 11, District Court of Bankruptcy, Liverpool.—John Outram, Dere-moor, Derby, near Sheffield, Yorkshire, innkeeper, June 25 at 12, District Court of Bankruptcy, Manchester.—Sam. Stepperson, Bingham, Nottinghamshire, cottager, June 24 at 12, District Court of Bankruptcy, Birmingham.—W. Jenkins Pretheroe, Dudley, Worcestershire, fire-iron manufacturer, June 23 at 10, District Court of Bankruptcy, Birmingham.—James Haythorn, Nottingham, agent for the sale of cotton yarn, June 26 at 10, District Court of Bankruptcy, Birmingham.—Jane Fisher, Birmingham, mattress maker, June 26 at 10, District Court of Bankruptcy, Birmingham.—Jas. Cooke, Nottingham, lace singer, June 26 at 10, District Court of Bankruptcy, Birmingham.—Walter Payne, Bath, Somersetshire, dealer in tea, June 23 at 11, District Court of Bankruptcy, Bristol.—Thos. Westaway, Exeter, tailor, June 23 at 11, District Court of Bankruptcy, Exeter.—W. Greenaway, Woodford, Moorwinstow, Cornwall, shopkeeper, June 25 at 1, District Court of Bankruptcy, Exeter.—Benj. Evans, Bedminster, Somersetshire, out of employment, July 2 at 12, District Court of Bankruptcy, Bristol.—George Walker, Man-

chester, cordwainer, June 25 at 12, District Court of Bankruptcy, Manchester.—J. Poulston, Eanam, Blackburn, Lancashire, corn miller, June 23 at 12, District Court of Bankruptcy, Manchester.—Jonathan Denby, Bradford, Yorkshire, head maker, June 25 at 11, District Court of Bankruptcy, Leeds.—Jos. Charlesworth, Ingbrichworth, Penistone, Yorkshire, farmer, June 25 at 11, District Court of Bankruptcy, Leeds.—John Ireland, Collumpton, Devonshire, cooper, June 25 at 1, District Court of Bankruptcy, Exeter.—Jas. Langdale, Liverpool, out of business, June 23 at 12, District Court of Bankruptcy, Liverpool.—Jos. Inston, Kidderminster, Worcestershire, pump maker, June 24 at 12, District Court of Bankruptcy, Birmingham.

Saturday, June 13.

The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.

John Pie Miller, Brockhurst, Hants, retailer of beer, No. 39,077 C.; Thomas Slade, new assignee, in place of Smith Hawford, deceased.—Jos. Foss Dessiou, White Hart-street, Kennington, Surrey, superannuated master in the navy, No. 47,564 T.; Samuel Sturgis, gentleman, new assignee, in place of Thomas Cook and Samuel Huxley, deceased.—H. Wyatt, Albion-street, Hyde-park, Middlesex, architect, No. 58,138 T.; Charles Warry, assignee.—Jeremiah Huggins, Aldergate-street, London, out of business, No. 58,180 T.; Pietro Ciceri, assignee.—Robert Ellis, Brynryan Dyerth, Flintshire, miner, No. 61,350 C.; James Vaughan Horne, assignee.—J. Caspar Mais, Dover, Kent, wine merchant; John Lamont, assignee.—Thos. Werner, Stratford, Essex, grocer, No. 67,373 C.; Richard Chidley and William Rhodes, assignees.

The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Tuesday, June 30, at 9.

Chas. Haddon, Old-st., St. Luke's, Middlesex, gold beater.—James Crow, Greenwich, Kent, fishmonger.—John Spademan, William-st., Hampstead-road, Middlesex, piano-forte maker.

July 1, at the same hour and place.

Thos. Obee, Beaumont-st., Middlesex, carpenter.—William Lambert, London-road, Surrey, out of business.—Jas. Ash, Bermondsey Cross-alley, Marygold-st., Bermondsey, Surrey, shoemaker.—John Morgan Ames, Warwick-court, Holborn, Middlesex, attorney's clerk.—Thos. Roseindale Longley, Oxford-st., Middlesex, house decorator.—John Learwood Griffiths, King's-road, Camden-town, Middlesex, Palace Court officer.

Court-house, LANCASTER, (County), July 1, at 10.

John Morton Bunting, Northgate, Blackburn, machine maker.—Hen. Wellington Alger, Ashton-under-Lyne, veterinary surgeon.—Abraham Whitaker, Salford, victualler.—Ed. Shirley Webster, Salford, manager at a button manufactory.—Jos. Walton, Fazakerley, near Liverpool, coal merchant.—Jas. Slack, Hulme, filtering machine manufacturer.—Thos. Tunstall, Everton, near Liverpool, common carter.—Jos. Wood, Oldham, out of business.—Jas. Dawson, Failsworth, warehouseman.—Lewin Yates Coleman, Liverpool, vocalist.—Thos. Mirams, Liverpool, shopman to a draper.—Robt. Temple, Manchester, commission agent.—Cormerford Casey, Wavertree, near Liverpool, out of business.—William Ward, Stoney Knolls, Higher Broughton, near Manchester, auctioneer.—Wm. Wilson Scott, Chorlton-upon-Medlock, Manchester, accountant.

July 2, at the same hour and place.

Francis Kindom, Manchester, laceman.—George Rusling, Manchester, bricklayer.—J. Moore, Manchester, seedsman.—J. Sharp, Liverpool, victualler.—Sam. Partridge, Salford, pawnbroker.—Jas. Nield, Liverpool, hat manufacturer.—Geo. Weatherby, Liverpool, master mariner.—Jas. Naylor, Belle Monte Sharples, Bolton-le-Moors, labourer.—John Heap, Burnley, shoemaker.—Wm. Woff, Lancaster, labourer.—Ellen Bolton, Thornley, victualler.—Jos. Pimbley, Harwich, farmer.—Ed. Holland, Halgate, boiler shed.—Henry Greenwood, George-quay, labourer.—Wm. Pollitt, Ancoats, cotton fustian cutter.—Wm. Sutton, Liverpool, out of business.—Thos. Aldridge, Bolton-le-Moors, lieutenant in her Majesty's 8th Regiment of Foot.—Thos. Holmes, Hulme, Manchester, out of business.—Wm. Walsley, Rudlam Braw, Wilton Stocks, near Blackburn, labourer.—Geo. Rushton, Whitworth, near Rochdale, butcher.—Andrew Hardman, Lancaster, labourer.

*July 3, at the same hour and place.*

*Peter Dutton*, Blackburn, shoemaker.—*J. Eastwood*, Spotland, near Rochdale, butcher.—*Thos. Williams*, Hulme, provision dealer.—*Thos. Williamson*, Manchester, bobbin maker.—*Jos. Tarbuck*, Kirkdale, Liverpool, ironmonger.—*John Oakden*, Manchester, peat dealer.—*John Crompton*, Lancaster, block printer.—*John Hamer*, Lancaster, quarryman.—*Rich. Rimmer*, Liverpool, butcher.—*Adolphus Jas. Ather-ton*, Pemberton, near Wigan, mechanic.—*Geo. Raffield* the younger, Liverpool, shipwright.—*J. Yates*, Blackburn, out of business.—*Sam. Walker*, Rochdale, grocer.—*George Hindle*, Enfield, near Blackburn, out of business.—*George Knowles*, Chorlton-upon-Medlock, Manchester, provision-shop keeper.—*Thos. Lawson*, Manchester, commission agent.—*Elis. Fell*, Rough Lee, near Colne, mouseline-de-laine manufacturer.—*J. Moorhouse*, Rawtenstall, ironfounder.—*Jas. Duggen*, Liverpool, dealer in ale.—*Abraham Woodhead*, Cheetham, Manchester, butcher.

*Court-house, CARDIFF, Glamorganshire, July 2, at 10.*

*Wm. Elias*, Gellygrose, Mynyddialwyn, Monmouthshire, publican.—*Thos. Collier*, Aberkenfig, contractor.—*Richard Thomas*, Cardiff, out of business.—*Mary Moses*, Aberkenfig, Glamorganshire, widow.

#### INSOLVENT DEBTORS' DIVIDENDS.

*John Beale*, Maldon, Essex, porter: 6s. 10d. in the pound.—*David Gwillim*, Gwernfychen, Criclow, Radnorshire, farmer: 1s. 2½d. in the pound.—*Wm. Ward*, Weasenham St. Peter, Norfolk, farmer: 1s. 5½d. in the pound.—*Henry Archibald Robson*, Thame, Oxfordshire, bookseller: 7½d. in the pound.—*Rich. Mabbott*, Sheffield, Yorkshire, shoemaker: 2s. 5d. in the pound.—*John Russell Halford*, Shepley-farm, near Bromsgrove, Worcestershire, linen draper: 3s. 5½d. in the pound.—*Sarah Platt*, Salford, Manchester, widow: 2s. 5½d. in the pound.—*Wm. Iveson*, Hedon, Yorkshire, attorney at law: 8½d. in the pound.—*Richard Bevan Reed*, Broughton, Wick, Glamorganshire, gentleman: 1s. 7½d. in the pound.

*Apply at the Provisional Assignee's Office, Portugal-street, Lincoln's-inn-fields, between the hours of 10 and 1.*

*John Wood*, Fenchurch-street, London, grocer, Hildyard's, 8, Farnival's Inn: 13s. 10½d. in the pound.

FRIDAY, JUNE 19.

#### BANKRUPTS.

**ANSELM COLTON FOWLER**, Louth, Lincolnshire, draper, dealer and chapman, July 3 and 31 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Jones, 15, Sise-lane.—Fiat dated June 10.

**WILLIAM EVERETT**, Drury-lane, Middlesex, out of business, (lately trading in co-partnership with Edward Woods, under the style or firm of Everett & Woods), June 26 at half-past 10, and July 28 at 12, Court of Bankruptcy, London: Off. Ass. Belcher; Sol. Townshend, Howland-st., Fitzroy-square.—Fiat dated June 17.

**JOSEPH THORLEY**, Newman-street, Middlesex, cabinet maker, dealer and chapman, July 1 and 23 at 11, Court of Bankruptcy, London: Off. Ass. Green; Sols. Taylor & Collisson, 18, Great James-street, Bedford-row.—Fiat dated June 17.

**THOMAS RICE HART**, Lea-bridge, Essex, victualler, dealer and chapman, June 29 at half-past 12, and Aug. 6 at 11, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Fry & Co., Cheapside.—Fiat dated June 18.

**EDWARD SEWELL**, Old Bond-street, Middlesex, hatter, dealer and chapman, June 29 at 1, and Aug. 6 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Hare, 20, Coleman-street.—Fiat dated June 11.

**HENRY MORRIS**, South Lambeth New-road, Surrey, stone mason and builder, June 25 at 2, and July 30 at 1, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Dawes, Sergeants' Inn, Fleet-street.—Fiat dated June 12.

**THOMAS COURT**, Brighton, Sussex, boot and shoe maker, dealer and chapman, (trading under the name of Thomas Palmer Court), June 29 at 12, and July 30 at 2, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Lawrence & Reed, 133, Cheapside.—Fiat dated June 13.

**JOSEPH WILCOX**, Little Bell-alley, Moorgate-st., London, tailor, June 25 and July 27 at half-past 11, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Smith, Basinghall-st., London.—Fiat dated June 13.

**JOSEPH BLACKBURN**, Gomersal, Birstal, Yorkshire, cloth manufacturer, July 2 and 27 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Lees, Bradford; Bond, Leeds.—Fiat dated June 6.

**WILLIAM M'INTOSH**, Kingston-upon-Hull, spirit merchant, dealer and chapman, July 1 and 22 at 11, Town-hall, Kingston-upon-Hull: Off. Ass. Kynaston; Sols. Stamp, Hull; Leigh, George-street, Mansion-house, London.—Fiat dated June 10.

**MATTHEW HOBSON**, Great Grimsby, Lincolnshire, corn and coal merchant, dealer and chapman, July 1 and 22 at 11, District Court of Bankruptcy, Kingston-upon-Hull: Off. Ass. Kynaston; Sols. Daubney, Great Grimsby, Lincolnshire; Bell, Hull; Kirk, Symond's Inn, Chancery-lane, London.—Fiat dated June 10.

**GEORGE SHORTHOUSE**, Newport, Monmouthshire, merchant, July 6 at 12, and Aug. 4 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sol. Smith, Bristol.—Fiat dated May 22.

**CHARLES BALL**, Lane-end and Cheadle, Staffordshire, linen draper, dealer and chapman, July 11 and 25 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Bartleet, Birmingham; Lloyd, Milk-st., Cheapside, London.—Fiat dated June 5.

**JOHN LEAD**, Wellington, Shropshire, innkeeper, dealer and chapman, July 7 and 31 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sols. Greatwood, Wellington; Motteram & Knowles, Birmingham.—Fiat dated June 13.

**JOHN SMITH**, Stratford-upon-Avon, Warwickshire, grocer and provision dealer, June 27 and July 22 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sol. James, Birmingham.—Fiat dated June 11.

**ROBERT PATTINSON**, Exeter, grocer, wine and spirit merchant, dealer and chapman, July 6 at 12, and July 23 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hernaman; Sol. Terrell, Exeter.—Fiat dated June 12.

**ROBERT STANFORD PERROTT**, Exeter, grocer, wine and spirit merchant, dealer and chapman, July 6 at 12, and July 23 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hernaman; Sols. Terrell, Exeter.—Fiat dated June 12.

**WILLIAM ROLFE**, Manchester, music seller, dealer and chapman, June 30 and July 29 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Simpson, Manchester; J. T. and H. Baddeley, 12, Leman-street, Goodman's-fields, London.—Fiat dated July 11.

**JOHN POTTER**, Manchester, portable weighing machine and scale-beam maker, dealer and chapman, June 30 at 12, and July 23 at 11, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Chew, Manchester; Jaques & Edwards, 8, Ely-place, London.—Fiat dated June 12.

**GEORGE LUMLEY**, Wigan, Lancashire, cotton and linen manufacturer, June 30 and July 23 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Leigh, Wigan; Gregory & Co., Bedford-row, London.—Fiat dated June 11.

**JOHN HUGHES**, Liverpool, provision dealer, dealer and chapman, June 29 and July 21 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Pemberton, Liverpool; Cornthwaite & Co., Old Jewry-chambers, London.—Fiat dated June 11.

**EDWARD JONES**, Liverpool, ironmonger, dealer and chapman, June 29 and July 21 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Hetherington & Co., Liverpool; Keighley & Co., 43, Chancery-lane, London.—Fiat dated June 13.

#### MEETINGS.

*James Buttrey*, Manchester, commission agent, June 30 at 1, District Court of Bankruptcy, Manchester, ch. ass. and last ex.—*Wm. Edmond* and *Thos. Edmond*, Liverpool, merchants, July 1 at 11, District Court of Bankruptcy, Manchester, last ex. *T. Edmond*.—*Wm. Fox* and *James Fox*, Manchester, oil and colour men, July 2 at 11, District Court of Bankruptcy, Manchester, last ex.—*Saml. Rodgett*, Blackburn, Lancashire, ironfounder, July 1 at 12, District Court of Bankruptcy, Manchester, last ex.—*John Brett*, Luton, Bedfordshire, sheep salesman, July 14 at 11, Court of Bankruptcy, London, and ac.—*John Kelsey*, Manchester, joiner, July 14 at 12, District Court of Bankruptcy, Manchester, and ac.—*Wm. Summers* and *Nicholas Roe*, Manchester, rope makers, July 13 at 12, District Court of Bankruptcy, Man-

chester, and. ac.; July 14 at 12, div.—*Thomas Gales*, Wm. John Guest, John F. Naisby, and Matthew Kirtley, Hylton, Durham, ship builders, July 13 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac.—*Elizabeth Gowen* and *Arker Shanks*, Morpeth, Northumberland, common brewers, July 13 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac.—*Thomas Taylor*, Newcastle-upon-Tyne, grocer, July 13 at half-past 10, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac.—*Thomas Clay*, Huddersfield, Yorkshire, merchant, July 13 at 11, District Court of Bankruptcy, Leeds, and. ac.—*Wm. Astle*, Wolverhampton, Staffordshire, plumber, July 15 at 12, District Court of Bankruptcy, Birmingham, and. ac.—*Thomas Harrison*, Birmingham, victualler, July 11 at 1, District Court of Bankruptcy, Birmingham, and. ac.; July 15 at 1, div.—*William Kearton*, Lamb-street, Spital-square, Middlesex, cheesemonger, July 10 at 12, Court of Bankruptcy, London, div.—*Wm. John Hadley*, Tottenham, Middlesex, brewer, July 10 at half-past 12, Court of Bankruptcy, London, div.—*Chas. Bartlett*, Southampton, merchant, July 10 at 1, Court of Bankruptcy, London, div.—*Thos. B. Waller* and *John Waller*, Ipswich, Suffolk, grocers, July 13 at 12, Court of Bankruptcy, London, div.—*John Harlow*, Leicester-square, Middlesex, tobacconist, July 10 at 11, Court of Bankruptcy, London, div.—*W. Stone*, Wood-street, London, laceman, July 10 at 1, Court of Bankruptcy, London, div.—*Michael Tomkinson*, Kidderminster, Worcestershire, linen draper, July 11 at 12, District Court of Bankruptcy, Birmingham, and. ac. and 8s. div.—*Wm. Halgood*, Manchester, merchant, July 14 at 12, District Court of Bankruptcy, Manchester, div.

## CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on the Day of Meeting.

R. H. Blacker and Chas. Karith the younger, Gresham-street, London, warehousemen, July 13 at half-past 2, Court of Bankruptcy, London.—*Thos. Gandy*, Lower-road, Islington, Middlesex, grocer, July 13 at 12, Court of Bankruptcy, London.—*J. S. B. Budgett*, Strand, Middlesex, bookseller, July 13 at half-past 11, Court of Bankruptcy, London.—*John Harlow*, Leicester-square, Middlesex, tobacconist, July 10 at 11, Court of Bankruptcy, London.—*Wm. Stone*, Wood-st., London, laceman, July 10 at 1, Court of Bankruptcy, London.—*Brookes Hugh Bullock*, Nicholas-lane, London, wine merchant, July 10 at 2, Court of Bankruptcy, London.—*E. Clifford*, Minster, Isle of Sheppy, Kent, victualler, July 10 at 2, Court of Bankruptcy, London.—*W. Thompson*, Cooper's-row, Crutched-friars, and Great Tower-street, London, wine merchant, July 10 at 12, Court of Bankruptcy, London.—*William Steerman*, Princess-street, Cadogan-street, Chelsea, Middlesex, carpenter, July 10 at 11, Court of Bankruptcy, London.—*Thos. Taylor*, Newcastle-upon-Tyne, grocer, July 13 at half-past 10, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Edw. Joe. Staples*, Bristol, surgeon, July 13 at 11, District Court of Bankruptcy, Bristol.—*Cuthbert Parker*, Liverpool, linen draper, July 15 at 11, District Court of Bankruptcy, Liverpool.—*Samuel Shann*, Leeds, cloth finisher, July 13 at 11, District Court of Bankruptcy, Leeds.—*Thos. Clay*, Huddersfield, Yorkshire, merchant, July 13 at 11, District Court of Bankruptcy, Leeds.—*Jas. Walker* and *Benj. Williamson*, Leeds, Yorkshire, share brokers, July 14 at 11, District Court of Bankruptcy, Leeds.—*Pryce Mottram*, Shrewsbury, Shropshire, draper, July 14 at 12, District Court of Bankruptcy, Birmingham.—*Joseph Timmins*, Caynham, near Ludlow, Shropshire, brick maker, July 10 at half-past 10, District Court of Bankruptcy, Birmingham.—*John Blundell*, Wigan, Lancashire, pawnbroker, July 15 at 12, District Court of Bankruptcy, Manchester.—*J. Davies*, Shrewsbury, Shropshire, mercer, July 13 at 12, District Court of Bankruptcy, Manchester.—*John Howarth*, Rochdale, Lancashire, woollen manufacturer, July 14 at 12, District Court of Bankruptcy, Manchester.—*Henry Rowbotham*, Brinkway, near Stockport, Chester, and Manchester, calico printer, July 16 at 12, District Court of Bankruptcy, Manchester.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before July 10.

Henry R. Osborne, Truro, Cornwall, grocer.—*H. Rawson Morley*, Kingston-upon-Hull, merchant.—*Joseph Thompson*, Norwich, grocer.—*J. Hutchinsons Hipwood*, Cornhill, London, merchant.—*Michael Emanuel*, Hammer-square, Middlesex, goldsmith.—*Abr. Duffield* and *Mart Duffield*, Slough,

Buckinghamshire, ironmongers.—*W. Buchanan*, Old Jewry-chambers, London, merchant.—*Wm. Newall*, Acton, Chester, sheep salesman.—*J. Yates*, Fore-street, London, haberdasher.—*Wm. Brown*, Manchester, cotton spinner.

## PARTNERSHIP DISSOLVED.

*Benjamin Currey*, *Wilmer Wilmer*, and *Wm. Currey*, Old Palace-yard, Westminster, attorneys and solicitors.

## SEVERAL SEQUESTRATIONS.

*Wm. Miller*, Hutcheson, Glasgow, engineer.—*G. Thomson*, Glasgow, bookseller.—*Archibald McNicoll*, Johnstone, merchant.—*James Scott*, Jedburgh, painter.—*Jas. Montgomery*, Kirkcaldy, spirit dealer.

## INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

*Henry Felton*, Brockham-green, Bletchworth, Surrey, out of business, July 9 at 11, Court of Bankruptcy, London.—*George Amass* the younger, Debenham, Suffolk, butcher, July 9 at 11, Court of Bankruptcy, London.—*W. Smith*, Northampton, out of business, July 9 at half-past 11, Court of Bankruptcy, London.—*John Stripp*, Winchester, Southampton, whitesmith, July 9 at 11, Court of Bankruptcy, London.—*Daniel Reading*, Patterson-street, Stepney, Middlesex, cooper, July 9 at 11, Court of Bankruptcy, London.—*Jaacob Copplestone*, Trinity-square, Tower-hill, Middlesex, traveller to wine merchants, July 2 at 11, Court of Bankruptcy, London.—*Thos. Lambert Whitit*, Parkstone, Dorsetshire, out of business, July 2 at 11, Court of Bankruptcy, London.—*John King*, Chiswell-street, St. Luke's, Middlesex, saddle maker, June 29 at half-past 11, Court of Bankruptcy, London.—*T. Hayes*, Langham, Rutlandshire, publican, June 29 at 11, Court of Bankruptcy, London.—*Elizabeth Champion*, Parade, Tonbridge-wells, Kent, shoe maker, June 29 at half-past 11, Court of Bankruptcy, London.—*E. Barnsley*, Birkenhead, Chester, out of business, June 29 at 11, District Court of Bankruptcy, Liverpool.—*George Dibb*, Shipley, near Bradford, Yorkshire, butcher, June 23 at 11, District Court of Bankruptcy, Leeds.—*James Buckle*, Snape, near Bedale, Yorkshire, tea dealer, June 23 at 11, District Court of Bankruptcy, Leeds.—*Julius Dalby*, Bradford, Yorkshire, beer seller, June 23 at 11, District Court of Bankruptcy, Leeds.—*Joseph Potter*, Adwick-upon-Deerne, Yorkshire, out of business, June 26 at 11, Cutler's-hall, Sheffield.—*James Jowitt*, Peacroft, Sheffield, Yorkshire, razor grinder, June 26 at 11, Cutlers'-hall, Sheffield.—*Robert Deakin*, Palm's-hill, near Wem, Shropshire, butcher, June 26 at 10, District Court of Bankruptcy, Birmingham.—*John Barber*, Stockport, Chester, blacksmith, June 29 at 12, District Court of Bankruptcy, Manchester.—*Mary Ann Kendall*, Bath, Somersetshire, dress maker, June 26 at 1, District Court of Bankruptcy, Bristol.—*Boydman Sampson Easty*, Nottingham, commercial traveller, June 26 at 10, District Court of Bankruptcy, Birmingham.—*Jas. Ashworth*, Shawforth, near Rochdale, Lancashire, delfman, June 29 at 12, District Court of Bankruptcy, Manchester.—*Hen. Castledine*, St. Michael's, Coventry, Warwickshire, innkeeper, June 27 at 12, District Court of Bankruptcy, Birmingham.—*George Antrobus*, Toxteth-park, Lancashire, retail butcher, June 23 at 11, District Court of Bankruptcy, Liverpool.

The following Prisoners are ordered to be brought before a Commissioner on Circuit:—

Court-house, LANCASTER, (County), July 4, at 10.

*James Gresham*, Liverpool, fishmonger.—*Wm. Wrigley*, Chorlton-upon-Medlock, retail dealer in ale.—*Morgan James*, Liverpool, out of employ.—*Griffith Rowland*, Birth, near Aberystwyth, Cardiganshire, out of business.—*Mary Higham*, Ardwick-green, Manchester, out of business.—*James Spears*, Hulme, Manchester, boot closer.—*Jas. Crawshaw*, Bolton-le-Moors, farmer.—*Frances Wilson*, Salford, machinist.—*John Price*, Holyhead, Anglesea, North Wales, coal dealer.—*Ann Marland*, Ashton, out of business.—*Nancy Haworth*, Salford, out of business.—*John Needham*, Chorlton-upon-Medlock, out of business.

Court-house, DOVER, Kent, July 3, at 10.

*John Casper Maie*, Dover, out of business.—*Geo. Russell*, Dover, out of business.

## INSOLVENT DEBTOR'S DIVIDEND.

*David Lock*, Watton, Norfolk, coachmaker, Beckwith & Co.'s, Norwich: 1s. in the pound.

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# The Jurist

No. 494—VOL. X.

JUNE 27, 1846.

PRICE 1s.

\* The following are the Names of the Gentlemen who favour THE JURIST with Reports of Cases argued and decided in the several Courts of Law and Equity:—

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LONDON, JUNE 27, 1846.

The judicial storm which has long been threatening the abandoned railway undertakings, has at length marked and burst upon its victim. Henceforth provisional directors will have to run the gauntlet, after the manner of American Indian prisoners, through a lane lined with a double row of enemies,—allottees on the one side, and on the other, engineers, solicitors, tradesmen, &c.; and with a stab from "*Walstab v. Spottiswoode*" on the one side, or "*Wontner v. Sharp*" on the other, and with a huge sweeping blow from the old and tried sword of "*Nockels v. Crosby*," as a crowning mercy at the end,—happy will they be if the very race of provisional directors is not swept from the face of the country, as an expiatory sacrifice for the gambling sins of nearly the whole English community.

In a former Number (Vol 10, p. 110) we took the liberty of presenting some reasonings against the application of *Nockels v. Crosby* (3 B. & C. 814) to the case of modern allottees in projected railway companies. The case of *Walstab v. Spottiswoode* (ante, p. 460) has, however, disposed judicially of all arguments against *Nockels v. Crosby*, whether considered per se, or with reference to the modern transaction of contracting to take shares in a projected railroad company, which afterwards does not reach the state of a mature company. The broad doctrine, now gradually becoming consolidated seems to be this: that, if a railway scheme is projected under the paternity and care of persons acting as a provisional committee; if, to the invitation of those persons to the public to take shares, stating that the company is intended to comprise a given number of shares, making together a given capital, individuals of the public respond by agreeing to take shares; and if the scheme is abandoned, by reason of an insufficient number of shareholders coming in, before

reaching the state of an actual legally constituted company,—then the persons composing the provisional committee are solely liable for all expenses incurred, and the individuals agreeing to take shares, are precisely in the same situation as if they had never agreed; that is, they are not bound to pay any portion of their deposits, if they have not already paid them, and are entitled to recover them back, if they have paid them.

The doctrine laid down in the very recent case of *Wontner v. Sharp*, goes a step further than even *Walstab v. Spottiswoode*, to the effect that an allottee is not bound even by signing the company deed, if the concern is broken up before completion.

The proposition contained in these cases, we must now take undoubtedly to be the law; but it is not, as it appears to us, either very rational or very equitable. Let us examine it a little. Until such a number of shares is taken as will justify the provisional committee in hoping to carry on the scheme successfully to its parliamentary termination, they cannot feel safe in paying any expenses; because, according to the late cases, if they should happen to be obliged to break up in a state of incompleteness, every shilling that they have expended, must be paid by them; while, without incurring expenses, they cannot have the slightest prospect of obtaining further subscriptions for shares, because, to obtain such subscriptions, information must be collected and diffused at a very considerable expense. Thus provisional committees will be practically prevented from taking the means of doing that, the not doing of which, is to throw upon them a purely personal responsibility.

The tendency of this is not very clearly consistent with commercial policy; for, of course, as to all existing incomplete undertakings, if the provisional committee-men are men of straw, who have taken the company merely with a view to raising shares to a



mium for the purpose of speculation, they, caring for nothing that can happen, and knowing, that, if the company breaks up, the demand against themselves is a right without a remedy, have every inducement to support one fraudulent contrivance by another, and to continue, as long as they can, a course of expenditure for the purpose of carrying the scheme forward, taking the chance of profit that may arise in the course or in the result of such proceedings, and setting all creditors at defiance by the hopelessness of their insolvency, should the concern fail, and be broken up. But, upon bona fide fair schemes, got up by men of some substance, with a view to the actual business for which the company purports to be created, the effect of the decisions will be totally different. Provisional committee-men who have something to lose, will be indisposed, precisely in the ratio of their prudence, and, therefore, of their fitness for carrying forward the business they have undertaken, to incur further expenses, which they now know will fall entirely upon themselves, if they are prevented by circumstances, over which they may or may not have control, from obtaining the requisite number of shares.

The tendency, therefore, is to induce the keeping together of swindling companies, headed by incompetent and dishonest men, and to break up the best companies headed by the best men. These considerations may or may not have been present to the mind of the court in *Walsh v. Spottiswoode*, or, being present to the mind of the court, they may have been thought unfit to be considered as grounds of legal reasoning. However this may be, we cannot doubt that the general doctrine of law is settled by that case, nor do we individually doubt that it is a doctrine replete with mischief as regards commercial policy. When a sufficient number of cases has been decided on the important questions affecting railway liabilities, we shall endeavour to present to our readers a careful legal analysis of them.

### Court Papers.

#### EQUITY CAUSE LISTS, AFTER TRINITY TERM, 1846.

\*.\* The following abbreviations have been adopted to abridge the space the Cause Papers would otherwise have occupied:—*A.* Abated—*Adj.* Adjourned—*A. T.* After Term—*Ap.* Appeal—*C. D.* Cause Day—*C. Costs*—*D.* Demurrer—*E.* Exceptions—*F. D.* Further Directions—*M.* Motion—*P. C.* Pro Confesso—*P. P.* Pleas—*Ptn.* Petition—*R.* Re-hearing—*S. O.* Stand Over—*Sh.* Short.

#### Court of Chancery.

Before the LORD CHANCELLOR.

##### APPEALS.

Strickland v. Strickland	(Ap) Day	Black v. Chaytor (Ap)	
Ditto v. Boynton	To be	Johnson v. Reynolds (F D by order) S O	
Ditto v. Strickland	fixed	Watts v. Lord Eglington (Ap)	
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		Hawkes v. Howell (Ap)	

Heming v. Swinerton (Ap)	Morris v. Howe	} (Ap)
Trail v. Bull (Ap)	Homesman v. Abbey	
Youde v. Jones (Ap)	Bowd v. Szyman (Ap)	
Wrightson v. Maganley (Ap)	Cooper v. Fitcher (Ap)	
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	Andrews v. Lockwood (Ap)	
	Stocker v. Dawson (4 ca., Ap)	

#### Before the VICE-CHANCELLOR OF ENGLAND.

PLEAS, DEMURRERS, CAUSES, AND FURTHER DIRECTIONS.	
Miles v. Moore	Gray v. Gray (3 causes, F D)
Ditto v. Gleadon	Dorville v. Wolff (F D, C)
Bell v. Earl of Mexborough (D)	Richards v. Patterson (F D, C)
Sanders v. Kelsey (D)	Adlam v. Barham (2 causes)
Colombine v. Chichester (3 D)	Beaton v. Beaton
Moore v. Mitchell (2 D)	Woodman v. Madgen (F D, C)
Strange v. Brennan (D)	Attorney-Gen. v. Pearson (E, F D)
Goodman v. De Beauvoir (Ptn, 2 D)	Craddock v. Piper (F D, C) & Dawson v. Chappell (F D, C)
Johnson v. Forrester (F D)	Andrew v. Moore (F D, C)
Handeman v. Eason (E, F D, Ptn)	Wait v. Horton (F D, C)
Terry v. Wachter	Montague v. Cator (F D, C)
Simpson v. Holt (F D, C)	Groom v. Stinton (4 causes)
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Bickford v. Bickford	Baxter v. Abbott (F D, C)
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Penny v. Turner	Flight v. Bashby
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Mason v. Wakeman (E)	Att.-Gen. v. Frank (F D) Sh
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##### CAUSES, FURTHER DIRECTIONS, AND EXCEPTIONS.

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*Before the Vice-Chancellor WIGRAM.*

CAUSES, FURTHER DIRECTIONS, AND EXCEPTIONS.

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 Hurst v. Kemp  
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 Maitland v. Rodger (2 causes)  
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 White v. Thorndell  
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 Finkey v. Remmett  
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 De Visme v. Graham  
 Baker v. Wetton  
 De Sola v. Mesnard  
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 Jessop v. Jessop  
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 Dolland v. Reed  
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 ferred cause)

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 Connell v. Luke

*London Gazettes.*

TUESDAY, JUNE 23.

BANKRUPTS.

THOMAS JAMES BLURTON, Wilton-place, Belgrave-square, Middlesex, wine merchant, July 8 at 11, and Aug. 7 at 12, Court of Bankruptcy, London: Off. Ass. Alagar; Sol. Hure, Coleman-street.—Fiat dated June 19.  
 THOMAS AQUILA COOK, Robinhood-yard, Leather-lane, and Garsault-place, Ermouth-st., Middlesex, carver and gilder, July 3 at 12, and Aug. 7 at half-past 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Taylor, 38, Moorgate-street.—Fiat dated June 20.  
 JOSEPH HARPER, Chancery-lane, Middlesex, commission agent, July 8 at 1, and July 31 at 11, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Horaley, 2, Staple Inn, London.—Fiat dated June 15.  
 ELIZABETH FULLER, Harrow, Middlesex, baker, July 3 at half-past 1, and July 31 at half-past 11, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Turner, Percy-st., Bedford-square.—Fiat dated June 16.  
 NEVILLE SMITH, THOMAS LYTLETON HOLT, and JOHN NEALE, Fleet-st., London, printers, dealers and chapmen, July 8 at half-past 12, and July 31 at 12, Court of Bankruptcy, London: Off. Ass. Belcher; Sols. Cross & Cross, Surrey-st., Strand.—Fiat dated June 16.  
 JOHN THOMAS CARTER, Berners-st., Oxford-street, Middlesex, apothecary, dealer and chapman, June 29 at 2, and Aug. 7 at half-past 11, Court of Bankruptcy, London: Off. Ass. Turquand; Sol. Pocock, Bartholomew-close.—Fiat dated June 20.  
 WILLIAM KENNETT and JOHN HAMMON REYNOLDS, Lamb-st., Spitalfields, Middlesex, wax and tallow chandlers and oilmen, dealers and chapmen, June 29 at half-past 1, and Aug. 7 at 11, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Wheatley, Walbrook.—Fiat dated June 19.  
 EDWARD BEEDEL and CHARLES REFFOLD, Reading, Berkshire, builders, July 10 at 1, and July 25 at 2, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Weedon & Slocombe, Reading; Hill & Heald, 23, Throgmorton-street.—Fiat dated June 19.  
 CHARLES TOMLINS and WILLIAM LOCK, Henry-street East, Portland-town, Middlesex, plumbers, July 7 at half-past 1, and July 25 at 1, Court of Bankruptcy, London: Off. Ass. Groom; Sol. Trott, 1, Crown-court, Threadneedle-street.—Fiat dated June 19.  
 JAMES WOODBRIDGE, Reading, Berkshire, saddler and harness maker, July 8 at half-past 1, and Aug. 4 at 11, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Smith, Reading, Berkshire; Badham & Co., 4, Verulam-buildings, Gray's Inn.—Fiat dated June 16.  
 STEPHEN SMITH, Bradfield, Berkshire, miller, dealer and chapman, July 1 and Aug. 1 at 12, Court of Bankruptcy, London: Off. Ass. Follett; Sols. Cole & Co., Basing-stoke; Johnson & Co., Temple.—Fiat dated June 17.  
 ALFRED WILDY, Oxford-st., Middlesex, hatter, July 1 at half-past 11, and Aug. 1 at 11, Court of Bankruptcy, London: Off. Ass. Follett; Sol. Low, Chancery-lane.—Fiat dated June 20.  
 JAMES EDWIN HUDSON JOLLIFFE, Durdham-down, Westbury-upon-Trym, Gloucestershire, and Bristol, chemist and druggist, July 7 and Aug. 4 at 1, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sol. Coles, Bristol.—Fiat dated June 18.  
 JOHN PARTRIDGE, Cheltenham, Gloucestershire, coal merchant, July 7 and Aug. 4 at 12, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sol. Jessop, Cheltenham.—Fiat dated June 17.  
 SAMUEL OLIVER, Hyde, Cheshire, provision dealer, July 16 and 30 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Brooks, Ashton-under-Lyne; Bower & Son, 46, Chancery-lane, London.—Fiat dated June 15.  
 SAMUEL HALL, Manchester, commission agent, share broker, dealer and chapman, July 8 and 29 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Cooper, Manchester; Gregory & Co., 1, Bedford-row, London.—Fiat dated June 18.



**HORATIO RAINS**, Newton Wood, Newton, Cheahire, boiler maker, innkeeper, dealer and chapman, July 7 and 28 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Law, Manchester; Gregory & Co., Bedford-row, London.—Fiat dated June 10.

**THOMAS WILSON, CHARLES KIRKMAN WILSON, and WILLIAM WILSON**, Liverpool, linen drapers, (lately trading at Liverpool, under the firm of Thomas Wilson & Sons, and which said Charles Kirkman Wilson and William Wilson are now trading at Liverpool, under the firm of Charles Kirkman Wilson & Brother), July 15 and Aug. 11 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Clay & Co., Liverpool; Gregory & Co., Bedford-row, London.—Fiat dated June 18.

**WILLIAM M'ROBERTS**, Liverpool, grocer and provision dealer, dealer and chapman, July 9 and 27 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Pemberton, Liverpool; Cornthwaite & Co., Old Jewry-chambers, London.—Fiat dated June 15.

**HENRY WILLIAMS**, Llanrwst, Denbighshire, apothecary, July 3 and 31 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Hughes, Llanrwst; Bower & Son, Chancery-lane, London.—Fiat dated June 17.

**JAMES JAY EVA**, Redruth, Cornwall, baker and flour dealer, dealer and chapman, July 6 at 12, and Aug. 4 at 11, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. Terrell, Exeter; Coode & Co., Bedford-row, London.—Fiat dated June 8.

**WILLIAM CORRAL and GEORGE WHARF**, Boston, Lincolnshire, potato dealers, watermen, dealers and chapmen, July 9 and 29 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sol. Smith, Birmingham.—Fiat dated June 18.

**GEORGE LONGFIELD**, West Bromwich, Staffordshire, tailor and woollen draper, July 7 and Aug. 7 at half-past 10, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sol. Hodgson, Birmingham.—Fiat dated June 19.

**RICHARD PERRY**, Leeds, Yorkshire, hatter, dealer and chapman, July 6 and 27 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. J. & J. E. Upton, Leeds; Few & Co., Covent-garden, London.—Fiat dated June 17.

**WILLIAM HESKIN OSBORN**, Leicester, out of business, and **HENRY WEBSTER BLACKBURN**, Bradford, Yorkshire, out of business, (carrying on business at Bradford as stock and share brokers, under the style or firm of Osborn & Blackburn), dealers and chapmen, July 6 and 27 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Morris, Bradford; Lawrence & Co., Old Fish-street, London.—Fiat dated June 16.

**JOHN HOLMES**, Sheffield, Yorkshire, cutlery manufacturer, dealer and chapman, July 3 and 31 at 11, District Court of Bankruptcy, Sheffield: Off. Ass. Freeman; Sols. Binney, Sheffield, Yorkshire; Nixon, Clifford's Inn, London.—Fiat dated June 13.

**JAMES CHARLES SIMPSON**, Sheffield, Yorkshire, pawnbroker, dealer and chapman, July 3 and 31 at 11, District Court of Bankruptcy, Sheffield: Off. Ass. Freeman; Sols. Broadbent, Sheffield, Yorkshire; Blackburn, Leeds; Tattershall, Great James-street, Bedford-row, London.—Fiat dated June 10.

**GEORGE HATTERSLEY**, Sheffield, Yorkshire, stove grate and fender manufacturer, July 3 and 31 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sols. Broadbent, Sheffield, Yorkshire; Tattershall, Great James-street, London.—Fiat dated June 8.

#### MEETINGS.

*Jos. Harrop*, Grasscroft, Saddleworth, Yorkshire, clothier, July 3 at half-past 11, Court of Bankruptcy, London, pr. d.—*Sam. M. Latham*, Dover, Kent, banker, June 30 at 1, Court of Bankruptcy, London, last ex.; July 14 at half-past 12, div.—*Joseph White*, Linton, Herefordshire, corn dealer, July 14 at 10, District Court of Bankruptcy, Birmingham, last ex.—*Hen. Marsland*, Hazel-grove within Bosden, Cheshire, silk thrower, July 10 at 12, District Court of Bankruptcy, Manchester, last ex.—*Chas. Hen. Waters*, Queen's-row, Pimlico, Middlesex, dealer in paintings, July 17 at half-past 1, Court of Bankruptcy, London, aud. ac.—*Wm. Hove*, Boxford, Suffolk, bricklayer, July 15 at 12, Court of Bankruptcy, London, aud. ac.—*Sir John Ross*, Knight, Grace-

church-street, London, banker, July 15 at 12, Court of Bankruptcy, London, aud. ac.—*John Arkell*, Donnington, Stow-in-the-Wold, Gloucestershire, miller, July 17 at 11, District Court of Bankruptcy, Bristol, aud. ac.—*Anth. Nichol*, Newcastle-upon-Tyne, ship broker, July 14 at half-past 10, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*Jas. S. Gregson*, Manchester, grocer, July 17 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*J. Massey*, Manchester, grocer, July 17 at 1, District Court of Bankruptcy, Manchester, aud. ac.—*Geo. Leather* and *Chas. W. Wardle*, Leeds, Yorkshire, earthenware manufacturers, July 18 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*Thos. Sutton* the younger, Atherstone, Warwickshire, draper, July 14 at 11, District Court of Bankruptcy, Birmingham, aud. ac.—*John Edmund Hall* and *Hen. Toone*, Nottingham, lace manufacturers, July 15 at 12, District Court of Bankruptcy, Birmingham, aud. ac.—*Henry Priddey*, Droitwich, Worcestershire, upholsterer, July 15 at 12, District Court of Bankruptcy, Birmingham, aud. ac.—*James Giro*, Moorgate-st., London, merchant, July 17 at 12, Court of Bankruptcy, London, div.—*Jas. Demew*, Charles-street, Berkeley-sq., Middlesex, auctioneer, July 14 at 12, Court of Bankruptcy, London, div.—*Fred. Disen*, Long-lane, Bermondsey, Surrey, carrier, July 16 at half-past 1, Court of Bankruptcy, London, div.—*Rich. Geo. Ward* and *John Perry*, Newgate-market, London, and Gilbert-st., Oxford-street, Middlesex, butchers, July 16 at 2, Court of Bankruptcy, London, div. sep. est. *John Perry*—*Thos. Clay*, Longroydbridge, Huddersfield, Yorkshire, merchant, July 21 at 11, District Court of Bankruptcy, Leeds, div.—*Jos. Taylor*, Liverpool, merchant, July 15 at 11, District Court of Bankruptcy, Liverpool, div.—*William Kelly*, Chester, common brewer, July 15 at 12, District Court of Bankruptcy, Liverpool, div.—*Jas. C. Kemp*, Liverpool, merchant, July 15 at 12, District Court of Bankruptcy, Liverpool, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on the Day of Meeting.*

*Thos. J. M. Bartlett*, Pall-mall East, Middlesex, bill broker, July 15 at 11, Court of Bankruptcy, London.—*Geo. Warriner*, Little Tower-street, London, tavern keeper, July 17 at 11, Court of Bankruptcy, London.—*James Blyth*, Chelmsford, Essex, grocer, July 15 at 1, Court of Bankruptcy, London.—*Joseph Willis*, Bucklersbury, London, eating-house keeper, July 15 at 1, Court of Bankruptcy, London.—*Anthony Nichol*, Newcastle-upon-Tyne, ship broker, July 14 at half-past 10, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Henry Walters*, Bristol, licensed victualler, July 16 at 11, District Court of Bankruptcy, Bristol.—*John Godfrey*, Midsomer Norton, Somersetshire, linen draper, July 17 at 11, District Court of Bankruptcy, Bristol.—*John Bacon*, York, carpenter, July 14 at 11, District Court of Bankruptcy, Leeds.—*George Whitfield*, Nottingham, lemonade and soda water manufacturer, July 15 at 12, District Court of Bankruptcy, Birmingham.—*Alfred Birchall*, Manchester, share broker, July 16 at 11, District Court of Bankruptcy, Manchester.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before July 14.*

*Ann Abigail Innell* and *Alfred Cooke*, Little Queen-street, Holborn, Middlesex, varnish manufacturers.—*George Joseph Jackson*, Liverpool, share broker.—*Cooper Ewbank*, Manchester, share broker.—*Alexander Miller*, Walbrook, London, merchant.—*James Freeman*, Cheltenham, Gloucestershire, lodging-house keeper.—*Stephen Askham*, Bradford, Yorkshire, commission agent.—*William Lockwood*, Birstall, Yorkshire, worsted spinner.—*Wm. Whitefield*, Bridgewater, Somersetshire, grocer.—*Thomas Howell*, Queen's Head-passage, Newgate-street, London, hotel keeper.—*John Arkell*, Donnington, Stow-in-the-Wold, Gloucestershire, miller.—*Benjamin Clark*, Leeds, Yorkshire, corn factor.—*William Humphryes*, Haymarket, Middlesex, hotel keeper.—*Henry Roe*, Liverpool, goldsmith.

#### PARTNERSHIP DISSOLVED.

*Wm. Hunt*, Rowland Price, and *John Harward*, Stour-bridge, Worcestershire, attorneys and solicitors.

#### SCOTCH SEQUESTRATIONS.

*Wm. Smellie* or *Smillie*, Hazeldean, and near Stonehouse, Lanarkshire, cattle dealer.—*Robert Harvey*, Hutchinsontown, Glasgow, tavern keeper.—*Thomas Porteous*, Glasgow, leather

merchant.—*John Mill*, Edinburgh, wine merchant.—*Kenneth Sutherland*, Helmsdale, fish curer.—*James Inglis*, Glasgow, iron merchant.—*James Wotherpoon*, Smithfield-sq., near Airdrie, smith.

### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Salah Smith*, Bungay, Suffolk, farmer, June 25 at half-past 11, Court of Bankruptcy, London.—*Joseph Pledger*, Cambridge, brewer, June 25 at 11, Court of Bankruptcy, London.—*Wm. Sparrowhawk*, Edenbridge, Kent, cordwainer, June 25 at half-past 11, Court of Bankruptcy, London.—*Robert Baleman*, Jamaica-street, Commercial-road East, Middlesex, wholesale ladies' shoe manufacturer, June 30 at 2, Court of Bankruptcy, London.—*Henry Crake*, York-road, Lambeth, Surrey, carrier, June 30 at 2, Court of Bankruptcy, London.—*Wm. Syrett*, Bury St. Edmund's, Suffolk, mail contractor, July 2 at 11, Court of Bankruptcy, London.—*Wm. Henry White*, Crown-row, Mile-end-road, Middlesex, printer, June 30 at 2, Court of Bankruptcy, London.—*John Northwood*, Osborn-street, Whitechapel, Middlesex, master mariner, June 30 at 11, Court of Bankruptcy, London.—*Fred. Cuthbert Wilkeam*, Farm-place, St. John's, Walham-green, Fulham, Middlesex, grocer, June 30 at 12, Court of Bankruptcy, London.—*Henry Baiden Thatcher*, Canterbury, Kent, constable in the police force, June 30 at 2, Court of Bankruptcy, London.—*Robert Gathercole*, Burnham, Essex, licensed hawk, June 30 at half-past 1, Court of Bankruptcy, London.—*M. Geary*, Church-street, St. Ann, Middlesex, tailor, June 30 at 1, Court of Bankruptcy, London.—*Wm. H. H. Kittoe*, Harley-street, Cavendish-square, Middlesex, consulting surgeon, June 30 at 2, Court of Bankruptcy, London.—*J. Clowser*, St. James's-terrace, St. James's-street, Old Kent-road, Surrey, licensed retailer of beer, June 30 at half-past 1, Court of Bankruptcy, London.—*S. Whittet*, Windsor-terrace, City-road, Middlesex, widow, out of business, June 30 at 1, Court of Bankruptcy, London.—*Wm. Cannan*, Northampton, boot manufacturer, June 30 at 2, Court of Bankruptcy, London.—*Wm. Rack*, Lower Union-road, Clapham, Surrey, gardener, June 30 at 11, Court of Bankruptcy, London.—*Edmund Gook*, High-street, Poplar, Middlesex, tailor, June 30 at 11, Court of Bankruptcy, London.—*Robert William Lewis*, Brentwood, Essex, attorney at law, July 9 at half-past 11, Court of Bankruptcy, London.—*Wm. Toomer*, Upper Marylebone-street, Middlesex, carpenter, July 9 at half-past 11, Court of Bankruptcy, London.—*Jonathan Thompson*, Montague-place, Deptford, Kent, out of business, June 30 at 12, Court of Bankruptcy, London.—*James Oldfield*, Edgeware-road, St. Marylebone, Middlesex, agent, June 30 at 1, Court of Bankruptcy, London.—*J. Dowling*, Queen's-place, Queen-street, Chelsea, Middlesex, writer and grainer, June 30 at half-past 11, Court of Bankruptcy, London.—*Henry Cuslake*, High-street, Putney, Surrey, grocer, June 30 at half-past 2, Court of Bankruptcy, London.—*Wm. Nash*, Maldon, Essex, retailer of beer, July 2 at 1, Court of Bankruptcy, London.—*Wm. Wilkins*, Exmouth-street, Euston-square, Middlesex, bricklayer, July 2 at 1, Court of Bankruptcy, London.—*Giles East*, Albert-place, Marlborough-road, Chelsea, Middlesex, boot maker, July 2 at 1, Court of Bankruptcy, London.—*Joe. Muley*, Bristol, farmer, July 2 at half-past 11, District Court of Bankruptcy, Bristol.—*Saml. Winstanley*, Liverpool, watch cap maker, July 3 at 11, District Court of Bankruptcy, Liverpool.—*J. Goodwin*, Dudley, Worcestershire, out of business, June 26 at 10, District Court of Bankruptcy, Birmingham.—*Wm. Brosecomb*, Paddock, Huddersfield, Yorkshire, plumber, July 2 at 11, District Court of Bankruptcy, Leeds.—*William Jennings*, Clyst Honiton, Devonshire, butcher, July 6 at 12, District Court of Bankruptcy, Exeter.—*Samuel Swindells*, Manchester, innkeeper, July 2 at 12, District Court of Bankruptcy, Manchester.—*Richard Morris*, Leyland, near Preston, Lancashire, labourer, July 1 at 1, District Court of Bankruptcy, Manchester.—*Joseph Royston*, Leeds, Yorkshire, engineer, July 2 at 11, District Court of Bankruptcy, Leeds.—*Hugh Jones*, Toxteth-park, Liverpool, grocer, July 3 at 11, District Court of Bankruptcy, Liverpool.—*William Sudlow*, Liverpool, and Holt-hill, Tranmere, Chester, warehouse keeper, July 3 at 11, District Court of Bankruptcy, Liverpool.—*Sarah Robins*, Bath, fringe manufacturer, July 7 at half-past 11, District Court of Bankruptcy, Bristol.—*W. Markham*, Wresale,

near Howden, Yorkshire, blacksmith, July 1 at 11, Mansion-house, Hull.—*John Hepton*, Heckmondwike, Yorkshire, watch maker, July 2 at 11, District Court of Bankruptcy, Leeds.—*George Wm. Ellis*, Pontefract, Yorkshire, chymist, July 1 at 11, District Court of Bankruptcy, Leeds.—*Joseph Taylor*, Beestonley, Stainland, Halifax, Yorkshire, operative cloth finisher, July 2 at 11, District Court of Bankruptcy, Leeds.—*Edward Barnsley*, Birkenhead, Chester, out of business, June 29 at 11, District Court of Bankruptcy, Liverpool.—*Jasper Bowman*, Wade-cottage, Bride-st., Liverpool-road, Islington, Middlesex, out of business, June 30 at half-past 12, Court of Bankruptcy, London.

*Saturday, June 20.*

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*John Bateson*, Kirkburtan, near Huddersfield, Yorkshire, joiner, No. 67,348 C.; *William Singleton*, assignee.

*Saturday, June 20.*

*Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*William Pike* the elder, Spital, Windsor, Berkshire, out of business: in the Queen's Prison.—*Henry Nicholls*, Pall-mall, St. James's, Middlesex, out of business: in the Queen's Prison.—*Joseph Hale*, Bethnal-green-road, Middlesex, cheesemonger's shopman: in the Debtors Prison for London and Middlesex.—*Francis Coghlan*, Gracechurch-street, London, out of business: in the Debtors Prison for London and Middlesex.—*W. Blount*, Turmill-street, Clerkenwell, Middlesex, milkman: in the Debtors Prison for London and Middlesex.—*Wm. Martin*, Birkenhead, Cheshire, newspaper vender: in the Gaol of Chester.—*John Smith*, Leeds, Yorkshire, commission agent: in the Gaol of York.—*Thomas Fisher*, Otley, Yorkshire, chymist: in the Gaol of York.—*Charles Curtis*, Hulme, Manchester, commercial traveller: in the Gaol of Lancaster.—*W. Joseph Wells*, Reading, Berkshire, builder's superintendent: in the Gaol of Reading.—*E. Smith*, Thornton, near Bradford, Yorkshire, assistant overseer: in the Gaol of York.—*John Randall*, Bristol, out of business: in the Gaol of Bristol.—*West Henry Parkes*, Aston, near Birmingham, out of business: in the Gaol of Warwick.—*E. Jones*, Ruthin, Denbighshire, maltster: in the Gaol of Ruthin.—*G. Wilson*, Cock-brook, Ashton-under-Lyne, Lancashire, out of business: in the Gaol of Chester.—*M. Cook*, North Shields, Northumberland, master of the steam-boat "Ranger": in the Gaol of Morpeth.—*Geo. Mullins*, Walcot, Bath, Somersetshire, journeyman mason: in the Gaol of Wilton.—*C. Colston*, Walcot, Bath, Somersetshire, labourer: in the Gaol of Wilton.—*Sam. Vallis*, Wotton-under-Edge, Gloucestershire, shoe maker: in the Gaol of Gloucester.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Friday, July 10, at 9.*

*Henry J. Brand Hedger*, Stamford-street, Blackfriars-road, Surrey, omnibus proprietor.—*Francis Wyse*, Uxbridge-gardens, Bayswater, Middlesex, clerk in the General Registrar's Office.—*J. Wakeham Edwards*, Green-street, Stepney, Middlesex, surgeon.—*Seth Rich. Evans*, Maiden-lane, Islington, Middlesex, beer-shop keeper.—*Jas. Percival*, Wapping-wall, Middlesex, out of business.—*Thos. Kay*, Regent-street, City-road, Middlesex, auctioneer.

*Court-house, BEDFORD, (County), July 6, at 10.*

*Wm. Dyer*, Eaton Bray, near Dunstable, out of business.

*Court-house, MONMOUTH, (County), July 4, at 10.*

*Thos. Pembro*, Unnisdee, near Blackwood, quarryman.—*J. Williams*, Newport, grocer.

*Court-house, DOVER, Kent, July 3, at 10.*

*William Griffin*, Hastings, Sussex, baker.

*Court-house, MAIDSTONE, Kent, July 7 at 10.*

*Stephen Charlton*, Strood, Kent, assistant to a retail dealer in corn.—*Fred. H. Smith*, St. Dunstan's, Canterbury, engine cleaner.—*James Bond*, Knockholt, Kent, dealer in wood.—*Josiah Roberts*, Tonbridge, Kent, night porter in the service of the South-eastern Railway Company.

*Court-house, NORTHAMPTON, (County), July 9 at 10.*

*W. Blott*, Rounds, Thrapstone, Northamptonshire, farmer.—*John Ekins*, Rounds, near Thrapstone, Northamptonshire, out of business.

*Court-house, Liverpool, Lancashire, July 8 at 10.*

*Catherine Bootle, Liverpool, out of business.—P. Richardson, Toxteth-park, near Liverpool, cart-owner.*

#### MEETINGS.

*Thos. Wall, Stroud, Gloucestershire, July 10 at 12, Paris's, Stroud, sp. aff.—Jas. Passmore, Basinghall-street, Middlesex, and Chester-terrace, Borough-road, Surrey, attorney and solicitor, July 8 at 11, Pocock's, 58, Bartholomew-close, London, sp. aff.*

#### INSOLVENT DEBTORS' DIVIDENDS.

*Samuel Kelsall, Broadroad, near Mottram, Longdendale, Stockport, Cheshire, traveller in the flannel trade, Platt's, Houghton-green, Manchester, June 25: 5s. 3d. in the pound.—Wm. Trethowan, Kingsand, near Devonport, fisherman, Chapman's, Devonport: 15s. 0½d. in the pound.—Rich. T. Adams, Deal, Kent, butcher, Hulke's, Deal: 14s. 7½d. in the pound.*

#### FRIDAY, JUNE 26.

##### BANKRUPTCY.

**DOMINIQUE ANDREW MOREL**, Langham-place, Saint Mary-le-bone, Middlesex, dentist, dealer and chapman, July 3 at half-past 10, and Aug. 8 at 11, Court of Bankruptcy, London: Off. Ass. Ponnell; Sol. Spencer, Lincoln's-inn-fields.—Fiat dated June 23.

**ELI SOUL**, Taberna-cle-walk, Finsbury, St. Luke's, Middlesex, bookseller and bookbinder, dealer and chapman, July 3 at half-past 10, and July 31 at 1, Court of Bankruptcy, London: Off. Ass. Belcher; Sol. Buchanan, 8, Basinghall-street, London.—Fiat dated June 22.

**THOMAS KNIGHT**, Minories, London, draper, dealer and chapman, July 6 at 1, and Aug. 4 at 12, Court of Bankruptcy, London: Off. Ass. Belcher; Sols. Sole & Turner, Aldermanbury.—Fiat dated June 22.

**ROBERT HAYWARD BEART**, Great Yarmouth, Norfolk, wine and spirit merchant, July 3 at half-past 10, and Aug. 8 at half-past 11, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Penfold, Mecklenburgh-square.—Fiat dated June 6.

**FRANCIS HOBBS**, Romford, Essex, baker and corn dealer, July 2 at half-past 10, and Aug. 7 at 2, Court of Bankruptcy, London: Off. Ass. Turquand; Sol. Walker, Furnival's Inn.—Fiat dated June 15.

**SETH RICHARD EVANS**, Coppice-row, Clerkenwell, and Maiden-lane, Islington, Middlesex, beer-shop keeper and gas meter manufacturer, July 3 at 12, and Aug. 1 at 1, Court of Bankruptcy, London: Off. Ass. Green; Sols. Cox & Stone, Poultry.—Fiat dated June 16.

**JOHN SUGDEN**, Steeton, near Keighley, Yorkshire, worsted manufacturer, dealer and chapman, July 7 and 30 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Harle & Co., Leeds; Jones & Co., Bedford-row, London.—Fiat dated June 17.

**ENOS DIBB**, Idle, Calverley, Yorkshire, grocer and corn miller, dealer and chapman, July 7 and 30 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Cariss, Leeds; Sudlow & Co., Chancery-lane, London.—Fiat dated June 10.

**HERMANN JULIUS MARCUS** and **JOHN NAYLOR**, Leeds, Yorkshire, share brokers, July 7 and 30 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Upton & Upton, Leeds; Few & Co., Henrietta-street, Covent-garden, London.—Fiat dated June 12.

**WILLIAM LONERGAN**, Liverpool, wine merchant and commission agent, dealer and chapman, July 15 and Aug. 11 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Pemberton, Liverpool; Cornthwaite & Co., Old Jewry-chambers, London.—Fiat dated June 19.

**JOHN SELLECK LYDDON**, Birkenhead, Cheshire, chymist and druggist, July 15 and Aug. 11 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Evans, Liverpool; Oliver, Old Jewry, London.—Fiat dated June 15.

**THOMAS PLUMLEY DERHAM**, Westbury-upon-Trym, Bristol, linen draper, dealer and chapman, July 9 at 11, and Aug. 7 at 12, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sol. Prideaux, Bristol.—Fiat dated June 20.

**JAMES PHILP**, Bristol, wholesale stationer, dealer and chapman, July 9 at 12, and Aug. 7 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sols. Brittan & Son, Bristol.—Fiat dated June 22.

**CHRISTOPHER HENRY STONEHOUSE**, Newport, Monmouthshire, ship broker and general commission agent, (a copartner of and in the firm of Christopher Henry Stonehouse & Co.), July 9 and Aug. 13 at 1, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sol. Phillips, Newport.—Fiat dated June 23.

**JOSEPH HOLTAM**, otherwise **HOLTHAM**, Leckhampton, Gloucestershire, grocer and tea dealer, dealer and chapman, July 10 at 1, and Aug. 7 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sols. Packwood, Cheltenham; Sheldon, Cheltenham.—Fiat dated June 18.

**WILLIAM HENRY HORMSFIELD**, Cardiff, Glamorganshire, draper and shopkeeper, dealer and chapman, July 10 and Aug. 18 at 1, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sols. W. and C. Bevan, Bristol.—Fiat dated June 23.

#### MEETINGS.

*Isaac Denning, Titchbourne-st., St. James's, Westminster, Middlesex, watchmaker, July 7 at 2, Court of Bankruptcy, London, pr. d.—J. Crane, Crooked-lane, London, malster, July 7 at 11, Court of Bankruptcy, London, last ex.—J. Scott, Newcastle-upon-Tyne, fruiterer, July 10 at half-past 10, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—Sam. Dethick and Thos. Rich. Kay, Newton-leath, near Manchester, common brewers, July 7 at 12, District Court of Bankruptcy, Manchester, last ex.—J. Leadbeater, Manchester, merchant, July 6 at 12, District Court of Bankruptcy, Manchester, last ex.—Jules Valle, Manchester, and Arnfield, near Mottram, Cheshire, and Wood-st., Chesapeake, London, commission agent, July 21 at half-past 11, Court of Bankruptcy, London, and. ac.—Charles Cullledge Barley, Wisbech St. Peter's, Ely, Cambridgeshire, grocer, July 17 at 11, Court of Bankruptcy, London, and. ac.—John Bacon, York, carpenter, July 18 at 11, District Court of Bankruptcy, Leeds, and. ac.; July 21 at 11, div.—Ed. Joseph Staples, Bristol, surgeon, July 20 at 11, District Court of Bankruptcy, Bristol, and. ac.—Rich. Lewis, Wootton-under-Edge, Gloucestershire, woollen manufacturer, July 21 at 11, District Court of Bankruptcy, Bristol, and. ac.—John Peter James, Truro, and Chasewater, Cornwall, draper, July 21 at 11, District Court of Bankruptcy, Exeter, and. ac.—Charles Henry Waters, Queen's-row, Fimlico, Middlesex, dealer in paintings, July 21 at 11, Court of Bankruptcy, London, div.—J. Perkins, North-place, Gray's Inn-road, Middlesex, jeweller, July 18 at 12, Court of Bankruptcy, London, div.—George Graham, Thos. Adams, and Michael Bogle Macfarlane, Cheapside, London, calico printers, July 17 at 11, Court of Bankruptcy, London, div. sep. est. G. Graham.—George Leather and Charles Wetherell Wardle, Holbeck, Leeds, Yorkshire, earthenware manufacturers, July 21 at 11, District Court of Bankruptcy, Leeds, div.—Jas. Shepherd Gregson, Manchester, grocer, July 24 at 12, District Court of Bankruptcy, Manchester, div.—J. Massey, Manchester, grocer, July 24 at 1, District Court of Bankruptcy, Manchester, div.—J. Collins, Salford, Lancashire, common brewer, July 6 at 12, District Court of Bankruptcy, Manchester, div.—Thos. Wren, Preston, Lancashire, sharebroker, July 15 at 12, District Court of Bankruptcy, Manchester, div.—Thomas Gale, Wm. J. Guest, J. Forster Natsby, and Matthew Kirley, Hylton, Durham, ship builders, July 20 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, fin. div. sep. est. Thos. Gales.—Thos. Taylor, Newcastle-upon-Tyne, grocer, July 20 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, div.—Eliz. Goven and Arthur Shanks, Morpeth, Northumberland, common brewers, July 20 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, fin. div.—Jas. Blacket, Stokeley, Yorkshire, flax spinner, July 20 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne, fin. div.—John Leech, Newcastle-upon-Tyne, ironmonger, July 20 at half-past 10, District Court of Bankruptcy, Newcastle-upon-Tyne, fin. div.*

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Wm. Bradshaw, Gretton, near Rockingham, Northamptonshire, sheep salesman, July 20 at half-past 11, Court of Bankruptcy, London.—Chas. Jos. Edmonds, Bluntisham, near St. Ives's, Huntingdon, apothecary, July 20 at 1, Court of Bankruptcy, London.—James John Hance, Liverpool, broker, July 21 at 11, District Court of Bankruptcy, Liverpool.—John Sanderson, Liverpool, wine merchant, July 21 at*

12, District Court of Bankruptcy, Liverpool.—*Geo. Leather and Chas. Withnell Wardle*, Hailbeck, Leeds, Yorkshire, earthenware manufacturers, July 21 at 11, District Court of Bankruptcy, Leeds.—*John Bridgwood*, Forebridge, Castle Church, Staffordshire, butcher, July 18 at 11, District Court of Bankruptcy, Birmingham.

*It is allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before July 17.*

*John Stevens*, Clement's Inn, Middlesex, builder.—*George Smith*, Manchester, bill broker.—*John Radbone*, Alcester, Warwickshire, broker.—*Wm. Rogers*, Lewes, Sussex, draper.—*D. Broadhead* and *Augustus John Malors*, Leeds, Yorkshire, stock and share brokers.—*Thos. Croxson*, Liverpool, stock and share broker.—*Wm. Grosvenor*, Shelton, and *Hanley*, Stoke-upon-Trent, Staffordshire, ironfounder.—*J. Morris*, Manchester, auctioneer.—*Robert Pickles*, Ramsley, Yorkshire, linen manufacturer.—*W. Wingfield*, Macclesfield, Cheshire, Yorkshire, common brewer.—*Christ. Stephenson*, Colne, Lancashire, worsted manufacturer.—*G. Stone Baron*, Plymouth, Devonshire, money scrivener.—*Thomas Williams*, Fenchurch-st., London, merchant.—*Hon. Charles Langley*, Selfk-place, Hackney-road, Middlesex, apothecary.—*Miles Griffith* and *Philip Pearson*, New Beach-street, Middlesex, butler.

#### FRATERNITIES.

*Lancelot Newton*, Albion-street, Hyde-park, Middlesex, warehouseman.

#### PATENTERS UNOBSERVED.

*Neth. Stevens* and *Sam. Paron*, 1, Gray's Inn-square, Middlesex, and *Handy-cs.*, Westminster, attendants at law and solicitors.

#### SCOTCH SEQUESTRATIONS.

*Bag & Co.*, Glasgow, merchants.—*Wm. Hennessey*, Edinburgh, wine merchant.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Francis Harrison*, Wernham-buildings, Gray's Inn, Middlesex, solicitor, July 2 at 2, Court of Bankruptcy, London.—*Chas. Knapp*, Edgeware-road, St. Mary-le-bone, Middlesex, furniture dealer, July 2 at 2, Court of Bankruptcy, London.—*John Elting*, Gravesend, Kent, livery-stable keeper, July 2 at 2, Court of Bankruptcy, London.—*Hannah Lefevre*, widow, Caremont-terrace, Islington, Middlesex, July 6 at 11, Court of Bankruptcy, London.—*John Stanyon*, Long-lane, Smithfield, London, book and print seller, July 2 at 2, Court of Bankruptcy, London.—*Jas. Smith*, Blackmore-end, Weathersfield, Essex, grocer, June 27 at 2, Court of Bankruptcy, London.—*John C. Burchell*, Reading, Berkshire, brewer, June 27 at 2, Court of Bankruptcy, London.—*John Nowell*, Hightown, Birstall, Yorkshire, card maker, July 9 at 11, District Court of Bankruptcy, Leeds.—*Jos. Metcalf*, Drypool, Hull, miller, July 8 at 11, Mansion-house, Hull.—*J. Winter*, Stoke-under-Hamdon, Somersetshire, gentleman, July 6 at 1, District Court of Bankruptcy, Exeter.—*Rich. Penthybridge*, Starcross, Kenton, Devonshire, gentleman's servant, July 6 at 12, District Court of Bankruptcy, Exeter.—*Jos. Colston*, Leicester, out of business, July 4 at 12, District Court of Bankruptcy, Birmingham.

*Wednesday, June 24.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions.)*

*G. S. Cramp*, Shepperton-st., Islington, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Henry Wilnot Proumes*, Old Paradise-row, Islington-green, Islington, Middlesex, corn dealer: in the Debtors Prison for London and Middlesex.—*Jonathan Johnson*, King-street, Golden-sq., Middlesex, billiard table keeper: in the Debtors Prison for London and Middlesex.—*Thomas Thomas*, Johnson-street, Somers'-town, Middlesex, porter at the London and Birmingham Railway Station, Euston-square: in the Debtors Prison for London and Middlesex.—*S. L. Colman*, Hareford-place, Westbourne-grove, Bayswater, Middlesex, town traveller for the sale of straw bonnets: in the Debtors Prison for London and Middlesex.—*Jean Baptiste Norce*, High Holborn, Middlesex, artificial flower maker: in the Debtors Prison for London and Middlesex.—*John Tuxbridge*,

Salmon's-lane, Limehouse, Middlesex, baker: in the Debtors Prison for London and Middlesex.—*Robt. Jas. How*, Sudbrook-place, John-st., East-lane, Waltham, Surrey, hatter: in the Queen's Prison.—*John Nicholls*, Jamaica-level, Brompton, Surrey, market gardener: in the Gaol of Surrey.—*Charles Thorpe* the younger, Weymouth-street, New Kent-road, and Brunswick-street, Dover-road, Newington, Surrey, shoemaker: in the Gaol of Surrey.

*(On Creditor's Petition.)*

*Robert Hayes Welch*, Gray's Inn Coffee-house, Holborn, Middlesex, attorney at law: in the Queen's Prison.

*(On their own Petitions.)*

*Wm. Robt. Brown*, Glastonbury, Somersetshire, clerk: in the Gaol of Wilton.—*Francis Robson*, Driffield, Yorkshire, out of business: in the Gaol of York.—*John Bailson*, Liverpool, boat builder: in the Gaol of Liverpool.—*J. Cumming*, Redmister, Bristol, master mariner: in the Gaol of Bristol.—*Wm. Wade*, Bath, Somersetshire, out of business: in the Gaol of Wilton.—*Edwin Clacey*, Pitney, near Langport, Somersetshire, farmer: in the Gaol of Wilton.—*Ralph Cawell*, Southwick, near Sunderland, Durham, market gardener: in the Gaol of Durham.—*Chas. Benj. Harrison*, Nottingham, out of business: in the Gaol of Bedford Faversham.—*Thomas Clifford*, Huddersfield, Yorkshire, publican: in the Gaol of York.—*Eliza Clifford*, Cowditch, near Huddersfield, Yorkshire, coal miner: in the Gaol of York.—*John Freeman*, Burton, Nottinghamshire, out of business: in the Gaol of Bedford Faversham.—*Wm. Bentley*, Scholes, near Bradford, Yorkshire, wheelwright: in the Gaol of York.—*John Robson*, Briffield, Yorkshire: in the Gaol of York.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Saturday, July 11, at 9.*

*Wm. R. Lloyd*, Shadwell, Middlesex, tea dealer.—*John T. Bryson*, Hoxton Old-town, Middlesex, baker.—*Henry Morris*, widow, Stafford-st., Road-st., Middlesex.—*Mrs. C. Morry*, Watmore-st., Haggerstone, Shoreditch, Middlesex, dealer in china and glass.—*W. K. Long*, High-st., Shoreditch, Middlesex, keeper of dining-rooms.—*John Mills*, Caroline-place, Copenhagen-st., Islington, builder.

*July 15, at the same hour and place.*

*Edw. N. Wilde*, Bramerton, near Norwich, Norfolk, master mariner.—*Hon. Wm. Wright*, Little Saffron-hill, Middlesex, looking-glass silvers.—*Fredrick For Cooper*, Walcot-place East, Lambeth, Surrey, dramatic author.—*Chas. B. Dutton*, Sutton-st., Soho, Middlesex, baker.—*Sam. Smith* the younger, Old Charlton, Woolwich, Kent, butcher.—*John Castelli*, Regent-square-mews, Wakefield-st., Brunswick-sq., Middlesex, lodging-house keeper.—*John Miller*, Wellclose-sq., Middlesex, general dealer.

*Court-house, GLOUCESTER, (County), July 10, at 10.*

*John Horner*, Henbury, tennis dealer.—*Jas. Owens*, Cheltenham, lodging-house keeper.—*Wm. Roach*, Frampton, Cotterell, hatter.—*Sam. Stickler*, Iron Acton, blacksmith.—*John Stickler*, Iron Acton, blacksmith.—*Guy Lockstone*, Old Sothbury, labourer.—*Hon. Jackson*, Gloucester, Excise officer.—*Sam. Vallis*, Wootton-under-Edge, cloth worker.

*Court-house, MAIDSTONE, Kent, July 7, at 10.*

*Chas. Parlow*, Gravesend, tailor.

*Court-house, BRISTOL, July 13, at 10.*

*Guillaume Charles*, Bristol, dealer in foreign goods.—*John Canning*, Bristol, master mariner.—*John Randall*, Bristol, in no business.—*Sam. Alloway*, Bristol, out of business.

#### COURT OF QUEEN'S BENCH.

The court will give judgment in the following cases on Saturday the 27th:—

Reg. v. The Hull Dock Com- pany.	Lawton v. Hickman.
Doe d. Dayman v. Mhonn.	Loomie v. Oldfield.
Ray v. Hirst.	Reg. v. The Corporation of Manchester.
O'Neil v. Bundle.	Branton v. Thompson.

The Queen has been pleased to appoint Charles Phillips, Esq., Barrister at Law, to be one of the Commissioners for the Relief of Insolvent Debtors, in the room of David Pollock, Esq., appointed Chief Justice of the Supreme Court of Judicature at Bombay.

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# The Jurist

No. 495—Vol. X.

JULY 4, 1846.

PRICE 1s.

\* \* The following are the Names of the Gentlemen who favour THE JURIST with Reports of Cases argued and decided in the several Courts of Law and Equity:—

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		Court of Review .....	{ W. W. COOPER, Esq. of the Inner Temple, Barrister at Law.

LONDON, JULY 4, 1846.

We have had an opportunity of looking at the Bill for shortening Conveyances, brought into the House of Lords during this session by Lord Brougham, and we shall, in a subsequent Number of THE JURIST, examine and criticise its merits more carefully. In the meantime, it will be sufficient to inform our readers who may not have seen it, that it proceeds upon the same plan as the acts passed during the last session for the same purpose; and we venture to predict for it, should it pass into law, the same quiet neglect at the hands of the Profession, to which its predecessors have been condemned.

It may be greatly questioned, whether it proceeds at all upon a sound principle; but, if it does, it is perfectly clear that it is wholly insufficient for the purposes of the conveyancer's business.

Firstly, with regard to the principle of this mode of shortening conveyances. It consists in drawing conveyances in a language composed of short symbols, explained by reference to elaborate forms. The symbols are to stand for the parliamentary forms; but they are not the forms, and cannot be construed without resorting to the forms themselves. Let us consider how this would work. A deed is laid before counsel to advise whether proceedings at law or in equity can be taken upon it. He must, of course, have the act of Parliament open before him, and at every fresh line of the deed, he will have to refer to some fresh page of the act, to compare the symbol with its exponent, and to consider the effect of the exponent. If separate clauses in the deed have to be compared together, much difficulty will arise from the inconvenience of not being able, as we now are with most deeds, to place the conflicting clauses before the eye at one and the same time; instead of which, a species of saltatory operation of the eye and mind will

have to take place, from page *a* to page *c*, and thence to pages *i* or *k*, and then back again, and so on, to the great and very unnecessary fatigue of the person having to advise upon the deed. But this, it will be said, is merely an objection going to the question of the convenience of professional men.

Let us put another case, to consider the effect as to the diminution of expense to the client. Suppose an abstract of title to be in course of preparation. The solicitor cannot, as now, content himself with perusing the deed, and abstracting such parts as, from his experience, he knows are material. At every symbolical clause or covenant, he must turn to the act of Parliament, and consider the exponential clause, and determine whether it is requisite specifically to refer counsel to that particular clause, unless he elects to make his abstract consist of a complete copy of every deed, and to cast upon counsel the task of wading through the abstract, with one eye upon the papers, and the other darting backwards and forwards through the act of Parliament. Whether this process of abstracting deeds, which, we contend, will be inevitable, will be less expensive than preparing an abstract of deeds framed according to the present usual forms, will admit of doubt. But we have no doubt that it will be more expensive to the client, than would the present mode of preparing an abstract, if deeds were drawn according to such short forms as are gradually getting into use, and as would certainly become general under the effect of a few simple regulations. We shall not at present enter more into the details of this part of the subject, reserving them for the examination of Lord Brougham's bill, that we purpose presenting to our readers.

The second objection to this bill is, that, if its principle be correct, it falls wholly short of the wants of the conveyancer. The varieties of the clauses of deeds



are almost endless; the variation of structure, and language rendered necessary in deeds of the same class, by the various circumstances of parties, are still more abundant. Even in mortgage transactions, the deeds relating to which are the most samely of all the conveyancer's productions, it is unusual for the draftsman not to find in every new case, some circumstances which render a greater or less departure from his forms requisite. But when we come to settlements and wills, and purchase-deeds relating to encumbered property, (and when does the conveyancer draw a purchase-deed of property wholly unencumbered?), it is not too much to say, that no two cases are ever totally alike, and scarcely ever are any two instruments framed with the same forms. Either the usual arrangement of the limitations and forms has to be varied, entailing some slight alteration in the wording of the instrument, or some intention wholly or partially unusual has to be expressed; so that, to supply the wants of the conveyancer, if he is to speak in short symbols, and rely on a parliamentary exponent, the greatest variety of forms must be collected in the parliamentary book of precedents; otherwise it will be of use to him only in those ordinary transactions which form but a small portion of the business of a conveyancer, and do not, in the usual course of business, form the portion found most expensive to the client.

### Reviews.

*The Equitable Jurisdiction of the Court of Chancery, &c.*  
By G. SPENCE, Esq., Q. C. Vol. 1.

[London, 1846: Stevens & Norton.]

It has long been remarked by foreign jurists, that, of all the European lawyers, the English are, as a body, the most practical, but the least scientific; the most accurately informed of the existing state, and the most ill informed upon the antiquarian learning, of the law that they administer. The remark is perfectly founded in truth; but whether the truth is one which entails humiliation upon the English lawyer, is a question on which there may be opposite opinions, fortified by apparently cogent arguments.

We are not of those who think that to know anything besides practical law, is prejudicial to the efficiency of a practising lawyer; but, on the other hand, we remember, that, as the primary business of the people with the laws, is to obtain their protection, so the primary business of the lawyer, as his very name bespeaks, is to advise and assist the people in obtaining that protection; and for that purpose it is more material to know what the law actually is, than to know how it has become what it is. Nevertheless, there is a charm in seeking, through masses of bygone learning, to extract from the past the secret of the construction of that marvellous system, which, whatever may be said of it by its enemies, has ministered in this country, in no small degree, to the gradual consolidation of true liberty, by establishing and maintaining doctrines under which property has been placed under the two conditions most favourable to civilisation, viz. nearly total imperturbability as to its protection, and infinite perturbability as to its disposition.

The knowledge, too, of the various phases through which the law has passed in forming itself during a course of several centuries, difficult as it is of acquisition, and sparingly as it is applicable to modern practice, is yet not without its influence upon the style of thinking and speaking of even the modern practical

lawyer; and cases will still occasionally arise, and those, cases of the most stirring and interesting character, in which, in determining on the rights of the Crown or of the subject, the advocate must dip deeply into the wells of ancient law, and seek his evidence among the words that were uttered and the things that were done, in the days when chancellors were priests, and subpoenas had sometimes to be served at the point of the lance. Great thanks, then, are due to the lawyers who explore, for the benefit of their brethren, the history of the law, sacrificing to the study of legal antiquarianism not only their rest, but that which is even dearer to Englishmen, the acquisition of wealth; not being like those who, in the words of Spelman, "are all for profit and lucrando pane, taking what they find at market, without inquiring whence it came;" but more like those beyond the seas, who are "not only diligent but very curious in this kind."

Mr. Spence has entitled himself to these thanks by the production of the volume now before us, in which we find, as the result of inquiries that must have been painfully laborious, a deeply interesting account of the origin and gradual growth of the Court of Chancery and of its equitable principles.

The early part of Mr. Spence's work is devoted to an investigation of the state of the laws in the Anglo-Saxon period of our history, and thence through its period of amalgamation with the system of Norman feudalism; and even so early as the time of Edgar is to be found, according to Mr. Spence, the germ of the jurisdiction of Chancery. "Besides the jurisdiction" (he says) "which was exercised by the king in his court, or by his councils, he appears to have exercised a kind of equitable jurisdiction for mitigating the rigour of the positive law laid down in the codes, when its strict execution in the particular case would have operated injustice. Thus, it is declared by the code of Edgar, that if the law were too heavy, a mitigation might be sought from the king. The law of Edgar appears in terms to apply to the fines and compensations fixed by the law for personal injuries. The laws of the Burgundians notice this prerogative in more extensive terms; it was there declared that it belonged to the king to solve ambiguities, and to interfere when a case arose requiring a remedy, but as to which the written law was silent, and to apply the *doctrines of equity* to the decision of cases involving special considerations. In each nation the prerogative appears to have been of imperial origin.

"Edgar's successors, Anglo-Saxon, Norman, and English, continued to exercise this jurisdiction, which is the germ of the jurisdiction of the Court of Chancery."

In a considerable portion of this part of the book, Mr. Spence treats of the history of the common law, and of the law of property of this country,—a subject collateral to his principal one, the jurisdiction of courts of equity. In this part of his work he has scattered notes full of curious matter of antiquarian law, with a profusion perfectly overwhelming; and civilians, black letter, old charters and precedents, and both English and foreign writers on such matters, whose names even but few lawyers have heard, enrich Mr. Spence's pages with what would have been termed, in the language of the periods of which he writes, marvellous quaint and cunning learning. Of course, in a series of researches in the nature of antiquarianism, matter must be occasionally found, which is in itself utterly trivial, and only interesting because time has rendered the ascertainment of the truth difficult. Of this character is a grave note in p. 119, which exhibits in an amusing way, the importance that trifles acquire in the minds of very learned men, if they do but have reference to something infinitely old and obscure. "I am favoured," says our author, (p. 119, note (m)), "by that very in-



'telligent and accomplished scholar and antiquarian, Sir Henry Ellis, with the following authority, which establishes the fact of Bracton having been a justice; 'I had searched in vain for any authentic information on the subject.

"In the Chartulary of Waltham Abbey, (Harleian Manuscript, 371, fol. 71), there is a 'Final Concord' of the 30th Hen. III, made before the king at Westminster, in the close of which, among the greater persons present, there are particularly mentioned 'Henrico de Batonia, Jeremia de Caxton, et Henrico de Bracton, Justiciarii, et alii domini Regis fidelibus.' The instrument is an agreement between Peter de Savoy and Simon Abbott, of Waltham, respecting common of pasture at Cheshunt. This was a public authentic instrument. By some Bracton had been stated to be Chief Justice, (Baheus, cited Petyt Jus Parl., p. xiii); by others, a justice in Eyre, (Dr. Duck). A writer of great learning and intelligence in the Penny Cyclopædia, under the article *BRACTON*, to which I have been referred by Sir Henry Ellis, speaking of the writers to whom we are indebted for collecting what could be recovered of the English authors of the Middle Ages, says, 'Their statements that Bracton was a judge of the Common Pleas, and that he was Chief Justice of England, are now regarded as questionable. There is better reason to believe that he was a Henry de Bracton who delivered Law Lectures in the University of Oxford towards the middle of the thirteenth century, and that he sat, once at least, as a justice itinerant.'

"The 30th Hen. III, (A. D. 1246), says Sir H. Ellis, decides the exact time when Bracton may be said to have flourished."

In the second part of the volume, Mr. Spence having cleared his way to it through the intricate history of the general law of this country, commences the main object of his work, the rise and establishment of the equitable jurisdiction of the Court of Chancery; and referring frequently to Sir F. Palgrave, he shews very clearly that the equitable jurisdiction existed as a separate jurisdiction, long before it was exercised by the Chancellor.

"In the time of Edward IV," he says, (p. 334, n. (b)), 'when the Chancery was, as we shall see, completely established as a court of extraordinary jurisdiction, all the judges of England affirmed that the Chancery, King's Bench, Common Pleas, and Exchequer are all the king's courts, and have been so time out of mind, so that no man knoweth which is most ancient.' (8 Co. Pref. xvi). Lord C. J. Hobart also treats the Court of Chancery as a court of equity, and the courts of law equally as fundamental courts. In the eleventh year of James I, it was resolved by the Lord Chancellor, Chief Justice of England, Master of the Rolls, and two justices, that the king cannot grant a commission to determine any matter of equity, (i.e. to constitute a new tribunal); but it ought to be determined in the Court of Chancery, which hath jurisdiction in such case time out of mind, and had always such allowance in law. (*Earl of Derby's case*, 12 Rep. 114). But neither Glanville, who wrote in the reign of Henry II, Bracton in the time of Henry III, or Britton in the time of Edward I, and who expressly treats of courts, nor Fleta, nor Hengham, nor the book intitled 'Diversity of Courts,' mention the Court of Chancery as a court of equity. The only extraordinary jurisdiction referred to in these early writers is that which was exercised by the king himself, advised, no doubt, by his council, or the Chancellor, the chief member."

And it is not till the reign of Edward II that the Court of Chancery appears to have acted as a distinct court of equity. (See p. 337).

Our space will not permit us to travel over the mass

of matter discussed by Mr. Spence in the second part of his work: we will only say that it contains a most elaborate history of the jurisdiction of the court, tracing each branch of that jurisdiction from its origin, and in doing so, exhibiting a complete picture of the gradual formation of a system apparently complex, but really simple, of which it is not too much to say, that, with all its defects, which are mostly in the nature of defects of official detail, it is, perhaps, the most magnificent and practically useful monument that man has ever, in any country, raised in his character of a jurisprudential animal. We will close this notice of Mr. Spence's valuable labours by extracting a curious note touching impertinence in pleading, which shews the singular combination in the court, in the early periods of its existence, of the spirit of equity that animated it, with the rudest forms of procedure to enforce that spirit. "Very stringent measures," says Mr. Spence, "were taken to prevent impertinent matter from being introduced into answers and other subsequent pleadings, of which the orders at the foot will serve as sufficient illustrations."

And then, in a note, he gives the following curious statement:—"The following have been selected as calculated to give some notion of the despotic authority which was exercised by the court on the subject:—

'Between William Mylward, Plaintiff.

'William Weldon and others, Defendants.

'And between William Weldon, Plaintiff.

'And William Mylward, Defendant.

'8th February, 1596.

'And where Richard Mylward, the plaintiff's son, did confess that he himself did heretofore draw the long replications of six score sheets of paper, which heretofore was put into the court by the plaintiff to the answer of the defendants; in which replication much impertinent and idle matter was inserted, as it heretofore seemed to his Lordship, of purpose to put the defendants to extraordinary charges and that he used no advice of counsel therein: It is ordered by his Lordship, that the said Richard Mylward be forthwith committed to the prison of the Fleet for his misdeemeanor and abuse offered to this court." Reg. Lib. A. 1596, fol. 667.

'Same Cause, 10th February, 1596.

'Forasmuch as it now appeared to this court by a report made by the now Lord Keeper, being then Master of the Rolls, upon consideration had of the plaintiff's replication according to an order of the 7th of May, of anno 37 Regine, that the said replication doth amount to six score sheets of paper, and yet all the matter thereof which is pertinent might have been well contrived in sixteen sheets of paper, wherefore the plaintiff was appointed to be examined to find out who drew the same replication, and by whose advice it was done, to the end that the offender might, for example sake not only be punished, but also be fined to her Majesty for that offence; and that the defendant might have his charges sustained thereby. (The execution of which order was, by a later order made by the late Lord Keeper the 29th of June, anno 37 Regine, suspended without any express cause shewed thereof in that order, and was never since called upon until the matter came to be heard on Tuesday last, before the Lord Keeper, at which time some mention was again made of the same replication); and for that it now appeared to his Lordship, by the confession of Richard Mylward, alias Alexander, the plaintiff's son, that the said Richard himself did both draw, devise, and engrave the same replication, and because his Lordship is of opinion that such an abuse is not in any sort to be tolerated—proceeding of a malicious purpose to increase the defendant's charge, and being fraught with much impertinent matter not fit for the

'court: It is therefore ordered, that the Warden of the Fleet shall take the said Richard Mylward, alias Alexander, into his custody, and shall bring him into Westminster Hall on Saturday next, about 10 of the clock in the forenoon, and then and there shall cut a hole in the midst of the same engrossed replication which is delivered unto him for that purpose, and put the said Richard's head through the same hole, and so let the same replication hang about his shoulders with the written side outward, and then, the same so hanging, shall lead the said Richard bareheaded and barefaced round about Westminster Hall, whilst the courts are sitting, and shall shew him at the bar of every of the three courts within the Hall, and then shall take him back again to the Fleet, and keep him prisoner until he shall have paid 10*l.* to her Majesty for a fine, and 20 nobles to the defendant for his costs in respect of the aforesaid abuse, which fine and costs are now adjudged and imposed upon him by this court for the abuse aforesaid.' (Reg. Lib. A. 1596, fol. 672) Sir J. Puckering, Lord Keeper). This order is mentioned by Tothill, but his reference is, as usual, erroneous; Mr. Cecil Munro kindly searched for it for me and found it. Replications not being necessarily signed by counsel, were continually referred for slander. (V. *inf.* *et.* A. 1594, fo. 459)."

### COURT OF QUEEN'S BENCH.

June 27.—Lord Denman, C. J., delivered the judgment of the court in the following cases:—

Reg. v. The Hull Dock Company.—Rule discharged.

Reg. v. The Council and Borough of Manchester.—Rule absolute for a new trial, the court suggesting that a case should be stated.

Doe d. Dayman v. Moore.—Rule absolute.

Lawton v. Hickman.—Judgment for plaintiff.

Loomie v. Oldfield.—Judgment for plaintiff.

Eden v. Bransfield.—Judgment for plaintiff.

Ray v. Hirst.—Judgment for plaintiff.

O'Neil v. Bandle.—Judgment for plaintiff.

Bruton v. Thompson.—Rule refused.

Yaffy v. Field. } Leave to amend.

Levy v. Webb. }

Yonell v. Cross.—Rule discharged.

### London Gazettes.

TUESDAY, JUNE 30.

#### INSOLVENT.

GEORGE HORNSBY, Leasbury, Northamptonshire, builder.

#### BANKRUPTS.

JOSEPH WOOD, Luton, Bedfordshire, plumber, painter, and glazier, trader, dealer and chapman, July 10 at half-past 12, and Aug. 14 at 11, Court of Bankruptcy, London: Off. Ass. Alsager; Sol. Taylor, 12, North-buildings, Finsbury-circus, London.—Fiat dated June 26.

WILLIAM MOLYNEUX, Sandwich, Kent, innkeeper, dealer and chapman, July 14 at 3, and Aug. 11 at 11, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Lee & Tapley, Sandwich, Kent; Hall & Co., Verulam-buildings, Gray's Inn.—Fiat dated June 20.

WILLIAM HENRY HOUNSFIELD, Cardiff, Glamorgan-shire, draper and shopkeeper, dealer and chapman, July 10 and Aug. 18 at 1, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sols. W. & C. Bevan, Bristol.—Fiat dated June 23.

JAMES WATERHOUSE, Salford, Manchester, calico printer, and ROBERT SUTTON, Chesham, calico printer, (lately carrying on business in co-partnership together at Salford as calico printers), dealers and chapmen, July 14 and Aug. 5 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Clays & Co., Manchester; Gregory & Co., Bedford-row, London.—Fiat dated June 25.

THOMAS DOLPHIN WEAVER, Liverpool, ship and share broker, dealer and chapman, July 15 and Aug. 11 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Brown, Liverpool; Wilkin, Furnival's Inn.—Fiat dated June 22.

JOSEPH CHARKE, Plymouth, Devonshire, innkeeper, dealer and chapman, July 16 and Aug. 6 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. Elworthy Plymouth; Stogdon, Exeter; Surr & Gribble, Lombard-street, London.—Fiat dated June 24.

WILLIAM JANE GEACH, St. Columb Major, Cornwall, auctioneer, July 16 and Aug. 6 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hernaman; Sols. Commine & Son, Bodmin; Stogdon, Exeter; Messrs. Smiths, Southampton-buildings, London.—Fiat dated June 26.

ROBERT M'KIM, Bombay, East Indies, merchant, (lately carrying on business at Bombay and Liverpool in co-partnership with William Edmond and Thomas Edmond, (who have become bankrupts), under the firm of Wilkam and Thomas Edmond & Co. at Bombay, and William Edmond & Co. at Liverpool, as a trader indebted jointly and together with the said William Edmond and Thomas Edmond), July 17 and Aug. 6 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Atkinson & Co., Manchester; Abbott, Charlotte-street, London.—Fiat dated May 12.

JANE WRIGHT, widow, Salford, Lancashire, licensed victualler and tavern keeper, dealer and chapwoman, July 18 and Aug. 6 at 11, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Hitchcock & Co., Manchester; Johnson & Co., Temple, London.—Fiat dated June 10.

JOHN ASTLEY, Manchester and Whitefield, Lancashire, nankeen and fustian manufacturer, July 15 and 31 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Dearden, Manchester; Johnson & Co., Temple, London.—Fiat dated June 24.

GEORGE BURY, Handsworth, Staffordshire, surgeon dentist, dealer and chapman, July 9 and Aug. 8 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleton; Sols. Motteram & Knowles, Birmingham; Smith & Co., Bedford-row, London.—Fiat dated June 25.

JAMES EVANS, Haywood-lodge, Herefordshire, cattle dealer, farmer, dealer and chapman, July 11 and Aug. 5 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Gwillim, Hereford; Suckling, Birmingham.—Fiat dated June 22.

ISAAC SANSOME, Coventry, ribbon and trimming manufacturer, dealer and chapman, July 9 and Aug. 15 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Troughton & Lea, Coventry; Austen & Co., Gray's Inn, London.—Fiat dated June 26.

TRYTLE JOEL, Newcastle-upon-Tyne, jeweller and ware-houseman, dealer and chapman, July 7 at half-past 10, and Aug. 25 at half-past 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Hodge, Newcastle-upon-Tyne; Crosby & Compton, Church-court, Old Jewry, London.—Fiat dated June 20.

THOMAS MELTON, Lincoln, victualler, innkeeper, and auctioneer, dealer and chapman, July 15 and Aug. 5 at 11, Guildhall, Kingston-upon-Hull: Off. Ass. Kynaston; Sols. Sanderson, Leeds; Messrs. Rushworths, Staple Inn, London.—Fiat dated June 24.

#### MEETINGS.

Robert Mair, West Cowes, Isle of Wight, Southampton, stationer, July 21 at half-past 1, Court of Bankruptcy, London, aud. ac.—Henry John Todd and Ed. Todd, Bow Church-yard, London, and Liverpool, warehousemen, July 21 at 11, Court of Bankruptcy, London, aud. ac.—R. Stephenson, Southwick-st., Hyde-park, Middlesex, apothecary, July 22 at 11, Court of Bankruptcy, London, aud. ac.—Hem. Lambert Fitzjames, Walcot, Bath, Somersetshire, furrier, July 23 at 12, District Court of Bankruptcy, Bristol, aud. ac.; July 24 at 11, div.—Thos. Lee, Liverpool, common brewer, July 22 at 12, District Court of Bankruptcy, Liverpool, aud. ac.—Wm. Edensor and Thos. Humphreys, Liverpool, merchants, July 22 at 12, District Court of Bankruptcy, Liverpool, aud. ac. sep. est. of W. Edensor.—F. Gill, Manchester, dealer in hardware, July 23 at 12, District Court of Bankruptcy, Manchester, aud. ac.; July 24 at 11, div.—

*Sam. Archer*, Rochdale, Lancashire, woollen manufacturer, July 7 at 12, District Court of Bankruptcy, Manchester, and ac.—*John Westhead*, Manchester, smallware manufacturer, July 21 at 12, District Court of Bankruptcy, Manchester, and ac.—*John Morris*, Manchester, auctioneer, July 21 at 12, District Court of Bankruptcy, Manchester, and ac.—*Thos. Westren*, Brushford, Devonshire, maltster, July 22 at 11, District Court of Bankruptcy, Exeter, and ac.: July 23 at 1, div.—*Thos. Loren Gordon*, Exeter, cabinet maker, July 22 at 11, District Court of Bankruptcy, Exeter, and ac.: July 23 at 1, div.—*Hen. Harlop*, Hoyland, Wath-upon-Deane, Yorkshire, iron master, July 24 at 11, District Court of Bankruptcy, Cutlers'-hall, Sheffield, and ac.—*J. Arkell*, Donnington-mill, Donnington, Stow-on-the-Wold, Gloucestershire, miller, July 23 at 11, District Court of Bankruptcy, Bristol, fin. div.—*Jos. Staples*, Bristol, surgeon, July 27 at 11, District Court of Bankruptcy, Bristol, div.—*R. Lewis*, Wootton-under-Edge, Gloucestershire, woollen manufacturer, July 23 at 11, District Court of Bankruptcy, Bristol, div.—*John Peter James*, Truro and Chasewater, Cornwall, draper, July 22 at 11, District Court of Bankruptcy, div.—*J. Ogle*, Esq., Pickwick, Wiltshire, and *Wm. Walton*, Liverpool, merchant, July 22 at 12, District Court of Bankruptcy, Liverpool, div.—*John Law*, Ramsden-wood, near Todmorden, and *Eli Hudson*, Gale, near Littleborough, Lancashire, cotton spinners, July 22 at 11, District Court of Bankruptcy, Manchester, div.—*John Westhead*, Manchester, smallware manufacturer, July 22 at 12, District Court of Bankruptcy, Manchester, fin. div.—*John Morris*, Manchester, auctioneer, July 22 at 12, District Court of Bankruptcy, Manchester, div.—*Thos. Sutton* the younger, Atherstone, Warwickshire, draper, July 21 at 12, District Court of Bankruptcy, Birmingham, div.

## CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on the Day of Meeting.

*Luke Whitty*, Poultry, London, builder, July 24 at 11, Court of Bankruptcy, London.—*Wm. Thogood Timewell*, Charlotte-st., Blackfriars-road, and Hill-st., Southwark, Surrey, silver lead ore refiner, July 23 at 12, Court of Bankruptcy, London.—*Sam. Pritchett*, Charlbury, Oxfordshire, glove manufacturer, July 23 at 12, Court of Bankruptcy, London.—*Christopher Clarke*, Goswell-road, and Cranbourne-street, Middlesex, draper, July 22 at 11, Court of Bankruptcy, London.—*Thos. Dunslop Brown*, Liverpool, commission merchant, July 24 at 11, District Court of Bankruptcy, Liverpool.—*Hen. Lambert Fitzjames*, Walcot, Bath, Somersetshire, farrier, July 24 at 12, District Court of Bankruptcy, Bristol.—*John Green*, Yarmouth, Norfolk, coal merchant, July 22 at 11, Court of Bankruptcy, London.—*Jas. Rowley*, Manchester, silk manufacturer, July 23 at 12, District Court of Bankruptcy, Manchester.—*Wm. Badger*, Rotherham, Yorkshire, boot maker, July 24 at 11, District Court of Bankruptcy, Leeds.—*Ed. Thos. Allen*, Castlegate, Yorkshire, apothecary, July 23 at 11, District Court of Bankruptcy, Leeds.—*Wm. Dale*, Liverpool, bricklayer, July 22 at 11, District Court of Bankruptcy, Liverpool.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before July 21.

*Robert Weatherhog* and *Rich. Weatherhog*, Stone, Kent, farmers.—*Robert Stephenson*, Southwick-street, Hyde-park, Middlesex, apothecary.—*Thomas Armitage Phillips*, Huddersfield, oil merchants.—*Wm. Bond* the younger, Manchester, stretcher.—*Wm. George Flynn*, Lower Thames-street, London, merchant.—*Thomas Blackman*, Briddenden, Kent, house and land agent.—*Elizabeth Smith Dykes*, Romford, Essex, basket maker.—*Thomas Turner*, Sheffield, grocer.—*Wm. Greenwell*, Red Cross-street, Southwark, Surrey, wheelwright.—*Jos. E. West* and *Henry Tennant*, Leeds, Yorkshire, stock brokers.—*Charles Hoppe*, Blackfriars-road, Surrey, chinaman.—*Edward Sankey*, Canterbury, surgeon.—*Sydney Pilling*, Gateshead, Durham, wine and spirit merchants.—*James Wilson*, Hill-street, Woolwich, Kent, and Bury-street, Chelsea, Middlesex, cabinet maker.

## SCOTCH SEQUESTRATIONS.

*Wm. Mitchell*, Dewarismill, near St. Andrew's, farmer.—*Robert M'Lehlan*, Glasgow, spirit merchant.—*Wm. Glass*, Glasgow, boot and shoe maker.—*John Neilson* and *Archibald Keir Murray*, Paisley, printers.—*Charles Bond*, Inverness,

printer and publisher.—*John Yellowless & Sons*, Edinburgh, coach builders.

## INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

*William Bolton*, Hammersmith, Middlesex, general dealer, July 9 at 12, Court of Bankruptcy, London.—*Wm. Westbrook*, Great Windmill-street, Haymarket, Middlesex, coal dealer, July 16 at half-past 11, Court of Bankruptcy, London.—*John Pring* the elder, York-place, Battersea-fields, Surrey, plumber, July 16 at 11, Court of Bankruptcy, London.—*John Turner*, Clarence-gardens, Regent's-park, Middlesex, saddletree maker, July 16 at 11, Court of Bankruptcy, London.—*John Shurey*, St. Andrew's-hill, Doctors'-commons, London, glass cutter, July 16 at 11, Court of Bankruptcy, London.—*Elizabeth Handley*, Duke-street, Grosvenor-square, Middlesex, embroidress, July 16 at 11, Court of Bankruptcy, London.—*Martha King*, Woodbine-cottage, Alpha-street, Old Kent-road, Surrey, widow, July 9 at 11, Court of Bankruptcy, London.—*Thomas George Buckland*, Great Bland-street, Dover-road, Surrey, teacher of music, July 9 at 11, Court of Bankruptcy, London.—*Thos. Richard Holder*, Surrey Canal-bridge, Old Kent-road, Surrey, butcher, July 3 at half-past 1, Court of Bankruptcy, London.—*Mark Cohen*, Somerset-place, New-road, Whitechapel, Middlesex, July 4 at 11, Court of Bankruptcy, London.—*Henry Rippon*, Alfred-terrace, Cambridge-heath, Bethnal-green, Middlesex, baker, July 8 at 3, Court of Bankruptcy, London.—*Edward William Tson*, Tonbridge-place, New-road, Middlesex, surgeon, July 8 at 3, Court of Bankruptcy, London.—*Henry Muller*, Bedford-place, Commercial-road, Middlesex, tobacconist, July 3 at half-past 1, Court of Bankruptcy, London.—*Thomas Gould*, Stangate-street, Lambeth, Surrey, oil and colourman, July 3 at half-past 1, Court of Bankruptcy, London.—*Thos. Coltingwood Ker*, Woburn-place, Russell-square, Middlesex, parliamentary agent, July 9 at 11, Court of Bankruptcy, London.—*George Henry Lankford*, Worcester-street, Union-street, Borough, Surrey, egg merchant, July 9 at 12, Court of Bankruptcy, London.—*Charles Cocke*, Moulsham, Chelmsford, Essex, grocer, July 9 at 11, Court of Bankruptcy, London.—*Frederic Berham*, Osnaburgh-street, Regent's-park, Middlesex, surgeon, July 13 at 1, Court of Bankruptcy, London.—*Juan Macdonald*, Bryanstone-street, Portman-square, Middlesex, gentleman, July 7 at 1, Court of Bankruptcy, London.—*Edward Gregory*, Bristol, dealer in wines, July 13 at 11, District Court of Bankruptcy, Bristol.—*Wm. Morris*, Cairncross, Randwick, Gloucestershire, baker, July 13 at 11, District Court of Bankruptcy, Bristol.—*Wm. Dexter*, Derby, china painter, July 11 at 12, District Court of Bankruptcy, Birmingham.—*Samuel Whitmore*, Ashwick, Somersetshire, farrier, July 13 at 11, District Court of Bankruptcy, Bristol.—*Stephen Love*, Manchester, lithographic printer, July 7 at 12, District Court of Bankruptcy, Manchester.—*Wm. Scott*, Sneinton, Nottinghamshire, commission agent, July 11 at 12, District Court of Bankruptcy, Birmingham.—*Joseph Wood*, Birkenhead, Cheshire, bell hanger and whitesmith, July 6 at 11, District Court of Bankruptcy, Liverpool.—*Francis Hitchins*, New Ferry, Cheshire, joiner, July 6 at 11, District Court of Bankruptcy, Liverpool.—*Thos. Lucas*, Liverpool, cow keeper, July 6 at half-past 11, District Court of Bankruptcy, Liverpool.—*Drury Little Wake*, Penygarth, Llanfair, Merionethshire, out of business, July 6 at 11, District Court of Bankruptcy, Liverpool.

Saturday, June 27.

The following Assignee has been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.

*Matthew Noble*, Bramham, near Wetherby, Yorkshire, labourer, No. 67,074 C.; *Henry Smith Sanderson*, assignee.—*Thomas Collister*, Holbeck, near Leeds, Yorkshire, butcher, No. 67,318 C.; *John Hodgson*, assignee.—*J. Moody*, Denby, near Penistone, Yorkshire, wood dealer, No. 67,328 C.; *Richard Smith*, assignee.—*John Emondson*, Gisburn, Yorkshire, clogger, No. 67,379 C.; *James Smallpage*, assignee.—*Bernabes Topham*, Boroughbridge, Yorkshire, wheelwright, No. 67,380 C.; *Thomas Price*, assignee.—*R. Smith*, Wallingford, Berks, tailor, No. 67,418 C.; *Richard Costar*, assignee.—*William Skelton*, Gleadless, near Sheffield, Yorkshire, labourer, No. 67,445 C.; *Henry Broomhead*, assignee.—*Jas. Walker*, Gp-

marred, near Leeds, Yorkshire, woollen spinner, No. 67,450 C.; Joseph Woodhead the younger, assignee.

Saturday, June 27.

*Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Arthur Beeston*, Argyle-place, Regent-street, Middlesex, vocalist: in the Queen's Prison.—*Joe. Frederick Humphrey*, Tottenham-street, Fitzroy-square, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*James Quermby*, Flask-row, Ebury-sq., Fimlico, Middlesex, stone mason: in the Gaol of Surrey.—*Philip W. Petre*, Somerset-place, Fulham-road, Middlesex, gentleman: in the Debtors Prison for London and Middlesex.—*W. Jones*, Upper Howsell Leigh, Worcestershire, out of business: in the Gaol of Worcester.—*Joseph Clarke*, Great Hadham, Herts, farmer: in the Gaol of Hertford.—*David Jones*, Barnettin, Herts, baker: in the Gaol of Hertford.—*Wm. Devenport*, Farndon, Cheshire, carpenter: in the Gaol of Chester.—*Th. Dodgson*, Paythorne, near Giebarn, Yorkshire, labourer: in the Gaol of York.—*J. Bradbury*, Weakey, near Dobcross, Saddleworth, Yorkshire, innkeeper: in the Gaol of York.—*John Pogson*, Meltham, near Huddersfield, Yorkshire, shopkeeper: in the Gaol of York.—*John Tee*, Sheffield, Yorkshire, corn merchant: in the Gaol of York.—*Richard Allen*, Cullompton, Devonshire, tea dealer: in the Gaol of St. Thomas Apostle.—*Zachariah Davis* the elder, Dudley-road, near Wolverhampton, Staffordshire, miner: in the Gaol of Stafford.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Tuesday, July 14, at 9.*

*Daniel Hartshorn*, Park-street, Dorset-square, Middlesex, chandler's shopkeeper.—*Wm. Vince*, Shoreditch, Middlesex, licensed victualler.—*Edmund Page*, Bury-street, St. James's, Middlesex, out of business.—*John Curran*, White Hart-street, Dury-lane, Middlesex, hatter.

*Court-house, CANNISMAN, (County), July 11, at 10.*

*Wm. W. Slater*, Liverpool, agent for the sale of bricks.—*James S. Dison*, Liscard, near Seacombe, boat maker.—*John Booth*, Wybanbury, near Nantwich, farmer.—*Geo. Wilson*, Manchester, wool sorter.—*John Procter*, Birkenhead, slater.—*Joseph Dickson*, Macclesfield, dealer in tea.

*Court-house, LINCOLN, (City), July 15 at 10.*

*Michael Alfred Hughes*, Lincoln, coach maker.

*Court-house, LINCOLN, (County), July 15 at 10.*

*Henry Richman*, Salford, near Boston, agricultural labourer.—*Theo. Nasse*, Hahrough, near Caistor, tailor.—*H. Hanton*, Harncastle, carrier.

*Court-house, TAUNTON, Somersetshire, July 16 at 10.*

*Charles Colston*, Walscot, Bath, labourer.—*Oliver Andrews*, Weston, near Bath, out of business.—*Wm. Weeks*, Bath, out of business.—*Edwin Clacey*, Pitney, near Langport, farmer.—*The Rev. Wm. Robert Browne*, Glastonbury, clerk.—*Rich. Bridge Cross*, Taunton St. Mary Magdalene, out of business.—*George Mullins*, Walscot, Bath, mason.

*Court-house, RUWIK, Denbighshire, July 14 at 10.*

*Edward Jones*, Ruthin, maltster.—*Rich. Lloyd*, Ynyfing, Llangelymon, Merionethshire, farmer.

## FRIDAY, JULY 3.

### INSOLVENT.

**GEORGE HORNSBY**, Leabury, Northumberland, builder.

### BANKRUPTS.

**MICHAEL GOODALE**, Rutland-terrace, Hornsey New-road, Holloway, Middlesex, builder, July 14 at 11, and Aug. 14 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Keighley, 73, Basinghall-street.—Fiat dated June 30.

**WILLIAM ROUSE**, Neptune-street, Rotherhithe, Surrey, bread and biscuit baker, dealer and chapman, July 14 and Aug. 15 at 11, Court of Bankruptcy, London: Off. Ass. Green; Sol. Oliver, Old Jewry.—Fiat dated July 1.

**ALFRED SAMUEL HOLL**, Norwich, grocer, dealer and chapman, July 14 at half-past 12, and Aug. 22 at 12, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Miller & Spa, Norwich; Abbott & Whentley, 3, Rolls-yard, Chancery-lane.—Fiat dated June 27.

**JOSEPH LORD**, Sheffield, Yorkshire, tanner and leather carrier, and boot and shoe maker, dealer and chapman, July 17 and Aug. 7 at 11, District Court of Bankruptcy, Sheffield: Off. Ass. Freeman; Sols. Binney, Sheffield; Nixon, Clifford's-inn, London.—Fiat dated June 27.

**JOHN SENIOR**, Salford, Lancashire, common brewer, dealer and chapman, July 15 and Aug. 7 at 11, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Clay & Co., Manchester; Gregory & Co., Bedford-row, London.—Fiat dated June 29.

**JOHN DAVIS**, Worcester, miller and maltster, and Heston Norris, Lancashire, provision dealer, (trading at Heston Norris under the name of Thomas Davis), July 14 at 12, and Aug. 7 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Motteram & Knowles, Birmingham; Chetham, Stockport.—Fiat dated June 26.

**WILTON WOOD**, Liverpool, flat rope and patent hemp band manufacturer, dealer and chapman, July 15 and Aug. 11 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Bell, Liverpool; Norris & Co., Bartlett's-buildings, London.—Fiat dated June 29.

**JAMES IRVINE**, Liverpool, ironmonger, dealer and chapman, July 9 and Aug. 11 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Thompson, Liverpool; Norris & Co., London.—Fiat dated June 11.

**JAMES DENT**, Huddersfield, Yorkshire, cloth merchant, July 14 and Aug. 4 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Floyd, Huddersfield; Sudlow & Co., Chancery-lane, London.—Fiat dated July 1.

### MEETINGS.

*Richard Freeman*, Edward's-street, Portman-square, Middlesex, hosier, July 15 at 11, Court of Bankruptcy, London, pr. d.—*B. L. M. Rothschild*, Great Queen-street, Lincoln's-inn-fields, Middlesex, diamond merchant, July 14 at 11, Court of Bankruptcy, London, last ex.—*Henry Elkington*, Maida-hill East, Middlesex, chymist, July 14 at half-past 12, Court of Bankruptcy, London, last ex.—*Robert Perry*, Brighton, Sussex, draper, July 15 at 12, Court of Bankruptcy, London, last ex.—*Samuel Rodgett*, Blackburn, Lancashire, iron founder and machine maker, July 13 at 12, District Court of Bankruptcy, Manchester, last ex.—*Wm. Gull*, Warrington, Lancashire, corn merchant, July 16 at 11, District Court of Bankruptcy, Manchester, last ex.—*John Turner*, Brook-street, Holborn, Middlesex, manufacturer and dealer in printing materials, July 6 at 11, Court of Bankruptcy, London, and. ac.—*Henry Roe*, Liverpool, goldsmith, July 27 at 11, District Court of Bankruptcy, Liverpool, and. ac.—*James D. Grippie Wheeler*, Torpoint, Cornwall, victualler, July 28 at 11, District Court of Bankruptcy, Exeter, and. ac.—*George Watson*, Gateshead, Durham, bookseller, July 28 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac.—*John Scott*, Newcastle-upon-Tyne, fruiterer, July 28 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac.—*Henry Fenwick and Robt. Fenwick*, Stockton-upon-Tees, Durham, timber merchants, July 28 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac.—*Robt. Gascayne*, Little Bitham, near Stamford, Lincolnshire, cattle dealer, July 31 at 10, District Court of Bankruptcy, Birmingham, and. ac.—*Hervey Lane*, Derby, innkeeper, July 31 at 10, District Court of Bankruptcy, Birmingham, and. ac.—*J. Barnett*, Birmingham, paratout maker, July 25 at 12, District Court of Bankruptcy, Birmingham, and. ac.—*Robert Meir*, West Cowes, Isle of Wight, Southampton, stationer, July 24 at half-past 1, Court of Bankruptcy, London, div.—*J. Gilbert Gore*, Cheltenham, Gloucestershire, innkeeper, July 27 at 1, District Court of Bankruptcy, Bristol, div.—*Thomas Lee*, Liverpool, common brewer, July 27 at 12, District Court of Bankruptcy, Liverpool, div.—*John Ogle*, Fickwick, Wiltshire, esquire, and *Wm. Walton*, Liverpool, merchant, July 27 at 12, District Court of Bankruptcy, Liverpool, div.—*Samuel Archer*, Rochdale, Lancashire, woollen manufacturer, July 21 at 12, District Court of Bankruptcy, Manchester, div.—*Edw. Steane Hartley*, Manchester, grocer, July 27 at 10, District Court of Bankruptcy, Birmingham, div.

### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Sam. Maccoby Latham*, Dover, Kent, banker, July 24 at half-past 12, Court of Bankruptcy, London.—*Sam. Whiting*, William-street, Lincoln-grove, Middlesex, grocer, July 24 at

12, Court of Bankruptcy, London.—*Wm. George Bradford*, Bucklersbury, London, tailor, July 25 at 2, Court of Bankruptcy, London.—*H. Dunnington*, Nottingham, glove manufacturer, July 31 at 11, District Court of Bankruptcy, Birmingham.—*James Roe*, Manchester, drysalter, July 30 at 12, District Court of Bankruptcy, Manchester.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before July 24.*

*Bartholomew Vanderplanck*, Love-lane, London, woollen warehouseman.—*Valentine Elkins*, Southampton-pl., Bustonsquare, and High-st., Mary-le-bone, Middlesex, coach maker.—*Theo. Blackman*, Biddenden, Kent, farmer.—*E. Dorling*, Ipswich, Suffolk, Berlin wool dealer.—*John Kirkup*, Rotherhithe, Surrey, coal merchant.—*Alex. Moorhouse Beaumont*, Banley, Almondbury, Yorkshire, woollen cloth manufacturer.

#### PARTNERSHIP DISSOLVED.

*Frederick Clarke and Fred. Solly Gosling*, Austin-france, London, attorneys and solicitors.

#### SEVERAL SEQUESTRATIONS.

*J. Mackenzie Ross*, Inverness, ironmonger.—*J. Campbell*, Paisley, writer.—*Robt. McChas*, Glasgow, merchant.—*Andr. Balfour*, Edinburgh, printer.—*W. Hill*, Dalkeith, innkeeper.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Tm. Pressley*, Lower Norwood, Surrey, market gardener; and Tringale, Kennington-croas, herbalist, July 16 at 12, Court of Bankruptcy, London.—*R. Hayes Welch*, Surrey, attorney at law, July 16 at 11, Court of Bankruptcy, London.—*George Bruce*, Cambridge, carver, July 16 at 12, Court of Bankruptcy, London.—*William Beesden*, Grove-lane, Camberwell, Surrey, gentleman, July 16 at 12, Court of Bankruptcy, London.—*T. Bettwell*, Barnsbury-place, Upper-street, Islington, Middlesex, hostler, July 4 at 2, Court of Bankruptcy, London.—*F. Sheppard Underhill*, Wokingham, Berkshire, builder, July 4 at half-past 1, Court of Bankruptcy, London.—*James Richardson*, Kingsbury-green, Kingsbury, Middlesex, chandler's shopkeeper, July 4 at half-past 1, Court of Bankruptcy, London.—*Edw. Mescham*, Lyndham, Shropshire, out of business, July 11 at 12, District Court of Bankruptcy, Birmingham.—*James Haywood*, Cheltenham, Gloucestershire, stay maker, July 7 at 1, District Court of Bankruptcy, Bristol.—*Reginald Easton*, Leamington, Warwickshire, artist, July 17 at 10, District Court of Bankruptcy, Birmingham.—*J. Dean*, Burnley, Lancashire, out of business, July 13 at 12, District Court of Bankruptcy, Manchester.—*Richard Hallan*, Hulme, Manchester, porter, July 16 at 12, District Court of Bankruptcy, Manchester.—*Dennis McCarthy*, Liverpool, sausage maker, July 6 at 12, District Court of Bankruptcy, Liverpool.—*John Bowen*, Winsley, Shropshire, farmer, July 31 at 10, District Court of Bankruptcy, Birmingham.—*Edward Smith*, Birmingham, tailor and beer seller, July 10 at 10, District Court of Bankruptcy, Birmingham.—*Wm. Booth*, Norrowmarsh, Nottinghamshire, retail beer seller and tobacco dealer, July 7 at 10, District Court of Bankruptcy, Birmingham.—*John Pilebury*, Losells, Aston, Warwickshire, builder, July 16 at 12, District Court of Bankruptcy, Birmingham.—*Wm. E. MacLagan*, Lyncombe and Widcombe, Somersetshire, not in any way of business, July 10 at 12, District Court of Bankruptcy, Bristol.—*Guillaume Beaumont*, Liverpool, teacher of languages, July 9 at 12, District Court of Bankruptcy, Liverpool.—*T. Whitworth*, Spetland, Rochdale, Lancashire, blacksmith, July 16 at 12, District Court of Bankruptcy, Manchester.—*John Sargent*, Tideswell, Derbyshire, schoolmaster, July 18 at 11, District Court of Bankruptcy, Manchester.—*Abraham Hamer*, Manchester, out of business, July 18 at 12, District Court of Bankruptcy, Manchester.—*Wm. Wales*, Shildon, Durham, blacksmith, July 28 at half-past 1, District Court of Bankruptcy, Newcastle-upon-Tyne.

*Wednesday, July 1.*

*Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Thomas Lewis*, South-st., Spitalfields-market, Spitalfields, Middlesex, potatoe saler: in the Debtors Prison for London and Middlesex.—*Philemon P. Ward*, Fenton-place, Walworth, Surrey, coach ironmonger: in the Queen's Prison.—

*Edw. Ground*, Fellow-street, Haggerstone, Middlesex, out of employ: in the Debtors Prison for London and Middlesex.—*Duncan Douglass*, Charlotte-street, Whitechapel, Middlesex, baker: in the Debtors Prison for London and Middlesex.—*Jas. Porter*, High Holborn, Middlesex, tailor: in the Debtors Prison for London and Middlesex.—*John McEwen*, Queen's-road, Notting-hill, Middlesex, beer-shop keeper and carpenter: in the Debtors Prison for London and Middlesex.—*George Brown*, Jernyn-street, St. James's, Middlesex, tailor: in the Queen's Prison.—*Joseph Edwies*, Lambeth-rd., Southwark, Surrey, out of business: in the Gaol of Surrey.—*Wm. Sibson Alderton*, Chancery-lane, London, steel pen manufacturer: in the Debtors Prison for London and Middlesex.—*J. Smith*, College-hill, London, out of business: in the Debtors Prison for London and Middlesex.—*Henry Grelhier*, Horace-street, Wandsworth-road, Surrey, bookbinder: in the Debtors Prison for London and Middlesex.—*Wm. Lester the younger*, Birmingham, butcher: in the Gaol of Coventry.—*Thomas L. Rich*, Dartmoor, Lydford, Devonshire, clerk: in the Gaol of St. Thomas the Apostle.—*John Lees*, Birmingham, out of business: in the Gaol of Warwick.—*Samuel Allen*, Satecombe, Devonshire, farmer: in the Gaol of St. Thomas the Apostle.—*James Cuddon the younger*, Mettingham, near Bungay, Suffolk, out of business: in the Gaol of Ipswich.—*S. Mason*, Birmingham, dealer in potatoes: in the Gaol of Warwick.—*Wm. P. Whitfield*, Leeds, Yorkshire, out of business: in the Gaol of York.—*Thomas Dickens*, York, tailor: in the Gaol of York.

*(On Creditor's Petition).*

*Charles Ward Adams*, Ipswich, Suffolk, out of business: in the Gaol of Ipswich.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Friday, July 17, at 9.*

*Francis Ullathorne the younger*, Fenton-grove, Fenton-villa, Middlesex, out of business.—*Geo. Seston Cramp*, Shapperton-street, New North-road, Middlesex, compositor.—*Stephen Chilton*, Leman-street, Goodman's-fields, Middlesex, clerk to a harness blacking manufacturer.

*July 20, at the same hour and place.*

*Rich. Musgrave*, Church-house, Devonshire-terrace, New-road, Marylebone, Middlesex, barrister at law.—*Robt. James Sloss*, Sudbrook-place, John-street, East-lane, Walworth, Surrey, dealer in hats.—*Joseph Fred. Humphrey*, Tottenham-street, Fitzroy-square, Middlesex, out of business.

*Court-house, NOTTINGHAM, (County), July 17, at 10.*

*Chas. Benj. Harrison*, Nottingham, out of employment.—*John Freeman*, Nottingham, out of business.

*Court-house, NOTTINGHAM, (Town), July 17, at 10.*

*William C. Tugne*, Nottingham, miller.

#### INSOLVENT DEBTOR'S DIVIDEND.

*Robert Brigham*, Stokesley, Yorkshire, attorney at law, July 7, Sowerby's, Stokesley: 1s. 8d. in the pound.

#### MENTING.

*H. Clements*, Brighton, Sussex, July 18 at 12, Bennett's, Brighton, sp. affairs.

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Attendance given at the Office of the Society daily from Nine till Four, where parties may obtain any further information respecting the Terms on which Insurances may be effected.

E. BLAKE BEAL, Secretary.

Printed by **WALTER M'DOWALL**, PRINTER, residing at No. 4, Pemberton Row, Gough Square, in the Parish of St. Bride, in the City of London, at his Printing Office, situate No. 5, Pemberton Row aforesaid; and Published at No. 3, CHANCERY LANE, in the Parish of St. Dunstan in the West, in the City of London, by **HENRY SWEET**, LAW BOOKSELLER and PUBLISHER, residing at No. 11, John Street, Bedford Row, in the County of Middlesex. Saturday, July 4, 1846.

# The Jurist

No. 496—VOL. X.

JULY 11, 1846.

PRICE 1s.

\* \* The following are the Names of the Gentlemen who favour THE JURIST with Reports of Cases argued and decided in the several Courts of Law and Equity:—

House of Lords .....	{ A. GORDON, Esq. of the Inner Temple, Barrister at Law.	Vice-Chancellor Wigram's Court .....	{ F. FISHER, Esq. of Lincoln's Inn, Barrister at Law.
Privy Council .....	{ TENISON EDWARDS, Esq. of the Inner Temple, Barrister at Law.	Court of Queen's Bench	{ G. J. P. SMITH, Esq. of the Inner Temple, Barrister at Law.
The Lord Chancellor's Court .....	{ A. GORDON, Esq. of the Inner Temple, Barrister at Law.	Queen's Bench Bail Court	{ A. V. KIRWAN, Esq. of Gray's Inn, Barrister at Law.
Master of the Rolls Court	{ G. Y. ROBSON, Esq. of the Inner Temple, Barrister at Law.	Court of Common Pleas, including Appeals under Registration of Voters Act....	{ D. POWER, Esq. of Lincoln's Inn; and W. PATERSON, Esq. of Gray's Inn, Barristers at Law.
Vice-Chancellor of England's Court .....	{ TENISON EDWARDS, Esq. of the Inner Temple, and CHARLES MARSHALL, Esq. of the Inner Temple, Barristers at Law.	Court of Exchequer ....	{ W. M. BENT, Esq. of Gray's Inn, Barrister at Law.
Vice-Chancellor Knight Bruce's Court .....	{ W. W. COOPER, Esq. of the Inner Temple, Barrister at Law.	Ecclesiastical and Admiralty Courts .....	{ J. P. DEANE, D.C.L. of Doctors' Commons.
		Court of Review .....	{ W. W. COOPER, Esq. of the Inner Temple, Barrister at Law.

LONDON, JULY 11, 1846.

SOME important cases have lately been decided upon the jurisdiction of equity, which we think we cannot deal with better, than by simply collecting and stating them to our readers. The first class of these cases has reference to the jurisdiction of the court to interfere, in matters apparently properly cognisable in bankruptcy. In *Thompson v. Derham* and *Thompson v. Goodman*, (1 Hans, 358), the extent of the jurisdiction of the Court of Chancery to interfere in the distribution of a bankrupt's estate directed by the Court of Bankruptcy, was defined. The material facts of the case were these: William Hinde, one of several partners, died in January, 1839, leaving large property in the partnership concern, and appointing some of his co-partners co-executors of his will with other persons not in the business. The executors allowed the whole of such property to remain in the business, contrary to the trusts of the will. In December, 1839, the surviving partners became bankrupt. In May, 1840, a bill was filed by the persons claiming under the will of William Hinde, for administering the trusts of such will, and the assignees of the bankrupts were made parties, and against them it prayed, that the plaintiff might have a lien upon the partnership property for what should be found due to the estate of William Hinde from the partnership; and, among other things, that the assignees might set apart, out of the assets, a sum to answer the debt due to William Hinde's estate, or that the plaintiffs might be authorised to enter a claim for the amount. Pending the suit, the commissioner acting under the fiat, was about to declare a dividend: the plaintiffs in the equity suit applied to the court for leave to enter a claim, and to have a fund set apart to answer it, both of which applications the commissioner refused. The plaintiffs then presented a petition to the Court of Review for the same purpose, praying in the alternative, that the commissioner might be ordered to stay any declaration of dividend till the hearing of the cause in equity. On this petition the Court of Review made no order, expressing, however, an opinion that the commissioner ought not to pay any dividends until the plaintiffs should have had an opportunity of making an application to the Court of Chancery. Thereupon, a supplemental bill was filed, and a motion made for an injunction to restrain the assignees from paying any dividends until the hearing of the cause, or further order.

The Vice-Chancellor, Sir James Wigram, appears to have inclined strongly to the opinion, that the court had no jurisdiction to interfere to prevent the creditors from taking advantage of the adjudication of a court of competent jurisdiction to distribute the bankrupt's estate, and refused the motion; and, on appeal, the Lord Chancellor also refused to interfere. The question of the jurisdiction of the court to interfere, where by interfering it may impeach the decision of a court of concurrent jurisdiction, was elaborately discussed by his Honor. The result of the whole judgment, which is as guarded as it is elaborate, seems to be the limited proposition, that the Court of Chancery ought not, either on the ground of its general jurisdiction over trusts or otherwise, to interfere by injunction to restrain a distribution of that which is admitted to be a bankrupt's property, when such distribution is made pursuant to the orders of the court to which the Legislature has expressly given jurisdiction to distribute bankrupts' estates. And it is not to be inferred that *Thompson v. Derham* decides anything upon the general question, whether the Court of Chancery has in no case jurisdiction to interfere in matters over which the Court of Bankruptcy may also have jurisdiction.

The next class of cases relates to the jurisdiction of



equity to interfere by way of restraining proceedings at law; and under this head it has been decided, that the Interpleader Acts, (1 & 2 Will. 4, c. 58, and 1 & 2 Vict. c. 45), apply only to cases where the opposite claims made, depend upon purely legal rights, and not to cases where one of the claims, although not sustainable at law, may have an equity to support it. In such cases an injunction will be granted to restrain the prosecution of proceedings at law under the Interpleader Act, even though those proceedings are taken under an order made by one of the common-law judges. This was decided in *Langton v. Horton*, where the defendant Bernie had assigned to the plaintiff a ship then on her voyage, and her prospective cargo. On the ship coming home, the plaintiff, by a messenger, took possession of her, and shortly afterwards the sheriff seized the ship and cargo under a writ sued out by the defendant Horton, a judgment creditor of Bernie. The sheriff having notice of the plaintiff's claim, summoned the opposing claimants to go before one of the judges, under the Interpleader Act. This was done, and the judge directed an issue. It did not appear that the judge was informed of the terms of the issue, or had his attention called to the circumstance of the demands of both claimants not being purely legal; and it was clear that the parties then both thought that their demands were purely legal. The plaintiff afterwards, conceiving his claim to be equitable, filed his bill for a declaration of his rights, and for an injunction to stay the levying of the amount of the execution, and to restrain the prosecution of the order under the Interpleader Act. Lord Langdale, M. R., held, that the court had authority to grant such an injunction. (*Langton v. Horton*, 3 Beav. 464). The plaintiff paying into court sufficient to answer the defendant's demand, the ship and cargo were ordered to be delivered up to him, and the proceedings on the issue were stayed.

It has also been held, that, although in all matters of fraud, equity has a concurrent jurisdiction with all other courts, yet where the case is of a compound nature, so that it may be one of legal fraud, with respect to which a court of law can do complete justice, as well as equitable fraud, or it may turn out to be one of purely equitable fraud, the court will not at once restrain proceedings at law, but will allow the proceedings at law to go on, to try the legal fraud, reserving to the court of equity, if it shall turn out that there is no legal fraud, the further inquiry, whether there is such fraud as equity only can notice and deal with. (*Clarke v. Manning*, 7 Beav. 162).

The third head under which these cases upon jurisdiction may be classed, is that of interfering with the functions of a special tribunal constituted by an act of Parliament for a special purpose.

By the act of Parliament incorporating a canal company, after giving the company the usual powers to take land, it was declared, that, in order to fix the price which was to be paid by the company for any lands which they should require, in case the company and the owners should not agree as to the amount of purchase-money, commissioners were appointed, who were to call a meeting, upon being requested to do so either by the company or by the owners of the land; and if either of the parties refused

to submit to the decision of the commissioners, they were empowered to issue a warrant to the sheriff to impanel a jury to assess the amount of compensation to be paid by the company; and it was declared that the verdict of the jury should be conclusive, and should not be removed by certiorari or other process whatever, into any of the courts of record at Westminster or any other court. There was a subsequent clause, under which the company was authorised to treat with the owner of any coal-works, whose workings should, in the opinion of the company, be dangerous to the canal, for all such coal, &c. as the company might think it requisite should be left for the security of the canal; and if the company and the coal-owner or worker could not agree as to the amount of compensation, then it was to be settled by a jury, according to the clause already cited.

In the case before the court, a dispute had arisen between the plaintiffs and the defendant, not merely as to the amount of compensation that the defendant, who was the lessee of a coal-work, was entitled to, but on the question whether he was entitled to any compensation at all; and the defendant having brought the matter before commissioners, pursuant, as he alleged, to the act, the plaintiffs filed their bill, to have it declared that he was not entitled to any compensation, and to restrain him from proceeding to take any steps for the purpose of ascertaining the amount of such compensation. The court held, that the defendant was entitled to compensation, and that being so, was clearly of opinion that the plaintiffs had no equity, upon an allegation that the tribunal appointed by the Legislature was not competent to decide the questions submitted to it, to withdraw the inquiry from such tribunal. (*Barnsley Canal Company v. Twibill*, M. R., 7 Beav. 19, affirmed on appeal by the Lord Chancellor).

And, lastly, we will refer to a case upon the jurisdiction to interfere to restrain acts in the nature of trespass. Generally speaking, equity will not interfere by way of injunction in cases of trespass, unless the trespass is of such a nature as to destroy the property in question. But it does not follow that equity will not exercise any interference at all, because the case is one of pure trespass. Thus, in a very recent case, where the question between the parties arose as to the title to a ship, the claim of the plaintiff rested upon his having purchased the ship in a colonial port from the captain, who sold it because it was disabled, and because he could not procure any person to repair it, or to advance money to repair it, upon the security of a bottomry bond. The claim of the defendants, the original owners, rested upon the allegation that the captain had no power to sell the ship, and that his sale did not take the legal title out of them. The circumstances brought before the court on a motion for an injunction were, that the plaintiff, having bought and repaired the ship, brought it home, and was in the actual possession of it, when the defendants sent men on board to take possession on their behalf. The court said the right of the plaintiff (if any) was purely a legal right, and treated the case (on that point) as one of pure trespass, and, therefore, would not grant an injunction to prevent the defendants from interfering with the ship or her cargo, nor to prevent the captain from proceeding in an action on

a bill of exchange given by the plaintiff for the price of the ship. But the court thought that it might, if it were necessary, take possession of the ship, to preserve her for the benefit of the party who should appear ultimately to be entitled; and that it ought to put the legal right in a course of speedy trial. The order ultimately made appears to have been, that the defendants should bring trover for the ship; no receiver or manager appointed; and liberty to each party to apply to obtain the possession or the use of the ship, such party giving security to deal with her as the court should direct. This was, in effect, regulating the trial of the legal right, and taking possession of the ship by the court pending the trial of such right. (*Ridgway v. Roberts*, 4 Hare, 106). And semble, that, under the circumstances of this case, the plaintiff having a sort of title, that is, claiming under the defendants' agent, who, whether he had actually made a good title or not, had clearly power under some circumstances to make a good title, if it had been shewn that the defendants were about to destroy the ship, or otherwise to deal with it in a way for which damages would not be an adequate compensation, the court would have power to grant an injunction. On this point, the dictum of the court strictly followed the analogy furnished by the cases upon trespass, where the trespass goes the length of taking away the substance of the estate.

### London Gazette.

TUESDAY, JULY 7.

#### BANKRUPTS.

- BENJAMIN KENT**, Roasterville, Kent, out of business, July 14 and Aug. 14 at 2, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Batley, Gray's-inn-square.—Fiat dated June 6.
- ALFRED REED and SAMUEL JOHN POWELL**, Tottenham-court-road, Middlesex, ironmongers, dealers and chapmen, (trading under the style or firm of Reed & Co.), July 14 at 1, and Aug. 20 at 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Barton, Wolsingham-place, Kennington-road.—Fiat dated July 6.
- WILLIAM JOY**, Tonbridge, Kent, plumber and glazier, dealer and chapman, July 17 at 1, and Aug. 20 at half-past 11, Court of Bankruptcy, London: Off. Ass. Alsager; Sols. Stenning & Carnell, Tonbridge; Stenning, Long-lane, Bermondsey.—Fiat dated July 6.
- ROBERT ARTHUR FITZHARDINGE KINGSCOTE**, Sandgate, Kent, (lately carrying on business at Nicholas-lane, Lombard-street, London, with Alexander Beattie, Fran. Macnaghten, and Atkinson Wilkin, as merchants, under the style or firm of Beattie & Co.), July 15 at 11, and Aug. 21 at 12, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Beddome & Weir, Nicholas-lane, London.—Fiat dated July 6.
- HENRY WOODTHORPE**, Aveley, Essex, grocer, dealer and chapman, July 17 at 12, and Aug. 21 at 11, Court of Bankruptcy, London: Off. Ass. Turquand; Sol. Catlin, Ely-place, Holborn.—Fiat dated July 1.
- JOHN FARRER**, Curtain-road, Shoreditch, Middlesex, cabinet manufacturer, July 14 at 11, and Aug. 22 at 2, Court of Bankruptcy, London: Off. Ass. Groom; Sol. Taylor, Moorgate-street, City.—Fiat dated July 3.
- WHEATLEY KIRK**, Salford, Lancashire, (lately carrying on business at Leeds, Yorkshire, under the style or firm of Wheatley Kirk & Co.), stock and share broker, dealer and chapman, July 18 and Aug. 7 at 11, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Atkinson & Co., Manchester; Abbott, Charlotte-st., London.—Fiat dated July 1.

- JAMES SORBY**, Sheffield, Yorkshire, scrivener, lead merchant, smelter of lead ore, dealer and chapman, July 24 and Aug. 7 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sols. Wake, Sheffield; Walter & Pemberton, Symond's Inn, London.—Fiat dated June 27.
- SAMUEL GRIFFITHS**, Wolverhampton, Staffordshire, wholesale druggist, dealer and chapman, July 7 and Aug. 14 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sol. Brown, Bilston.—Fiat dated June 25.
- JOSEPH WARD**, Clayton-heights, Bradford, Yorkshire, worsted stuff manufacturer, dealer and chapman, July 20 and Aug. 11 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Wavell, Halifax; Courtenay, Leeds; Gregory & Co., 1, Bedford-row, London.—Fiat dated June 30.
- WILLIAM GRIBBON**, Leeds, Yorkshire, dealer in glass and china, dealer and chapman, July 21 and Aug. 11 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. J. and J. E. Upton, Leeds; Few & Co., Henrietta-st., London.—Fiat dated July 1.
- THOMAS BEILBY and WILLIAM KABERRY**, Leeds, Yorkshire, flax and tow spinners, dealers and chapmen, July 21 and Aug. 11 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Cariss, Leeds; Williamson & Co., Gray's Inn, London.—Fiat dated June 23.
- GEORGE BURY**, Handsworth, Staffordshire, surgeon, druggist, and apothecary, July 9 and Aug. 8 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Mottram & Knowles, Birmingham; Smith & Co., Bedford-row, London.—Fiat dated June 25.
- WILLIAM SUDLOW**, Liverpool, warehouse-keeper, wharfinger, dealer and chapman, July 15 and Aug. 11 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Green, Liverpool: Gregory & Co., Bedford-row, London.—Fiat dated June 30.
- JOHN BARTON**, Birkenhead, Cheshire, stone mason and builder, July 17 and Aug. 11 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Greene, Liverpool; Marples & Co., Frederick's-place, London.—Fiat dated July 2.
- ROBERT BAKER**, Christchurch, Monmouthshire, farmer and cattle and sheep dealer, dealer and chapman, July 21 at 12, and Aug. 18 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sols. Jones & Son, Bristol.—Fiat dated July 1.
- GEORGE HORNSBY**, Leabury, Northumberland, builder, July 13 at 12, and Aug. 25 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Wakley; Sols. Bennet & Co., 9, Scott's-yard, Cannon-street, London.—Fiat dated July 1.

#### MEETINGS.

*Thos. Showell*, Ludgate-st., Ludgate-hill, London, tailor, July 22 at 12, Court of Bankruptcy, London, last ex.—*John Dailey and Alfred Inskip*, Long-lane, Bermondsey, Surrey, leather manufacturers, July 21 at 12, Court of Bankruptcy, London, last ex.—*Jas. Stutlard*, Manchester, cotton spinner, July 13 at 12, District Court of Bankruptcy, Manchester, last ex.—*Fred. Plank*, Plymouth, Devonshire, perfumer, July 28 at 11, District Court of Bankruptcy, Exeter, aud. ac.; July 29 at 11, div.—*J. Livingston and T. Brittain*, Manchester, plumbers, July 30 at 11, District Court of Bankruptcy, Manchester, aud. ac. and fin. div.—*J. Robinson*, Salford, Lancashire, millwright, July 28 at 12, District Court of Bankruptcy, Manchester, aud. ac.; July 29 at 12, div.—*Thomas Findley*, Manchester, plasterer, July 28 at 12, District Court of Bankruptcy, Manchester, aud. ac.; July 29 at 12, div.—*Geo. Russell*, Birmingham, merchant, July 28 at 10, District Court of Bankruptcy, Birmingham, aud. ac.—*John Clarke, Rich. Mitchell, Joseph Phillips*, and *Thos. Smith*, Leicester, bankers, July 28 at half-past 10, District Court of Bankruptcy, Birmingham, aud. ac. sep. est. *Thos. Smith*.—*Jos. Ankrett*, Walsall, Staffordshire, grocer, July 30 at 12, District Court of Bankruptcy, Birmingham, fin. div.—*Geo. Watson*, Gateshead, Durham, bookseller, July 31 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*Jas. Whitelaw and Thos. Whitelaw*, Lichfield-street, Soho, and Store-st., Bedford-sq., Middlesex, builders, July 28 at 2,

Court of Bankruptcy, London.—*Rob. Nelson*, Great Portland-street, Middlesex, hotel keeper, July 29 at 11, Court of Bankruptcy, London.—*Wm. Darnborough*, Richmond, Surrey, tailor, July 29 at 11, Court of Bankruptcy, London.—*Wm. John Haddan*, Tottenham, Middlesex, brewer, July 29 at 12, Court of Bankruptcy, London.—*Robert Smith*, Sussex-place, Tottenham-court-road, Middlesex, cabinet maker, July 29 at 11, Court of Bankruptcy, London.—*Wm. Bucknell Lemon*, North-end, Croydon, Surrey, ironmonger, July 28 at 1, Court of Bankruptcy, London.—*Alex. Beattie and Francis Macnaghten*, Nicholas-lane, Lombard-st., London, merchants, July 29 at 12, Court of Bankruptcy, London.—*Thos. Fidgee*, Liverpool, shoe manufacturer, July 28 at 11, District Court of Bankruptcy, Liverpool.—*John Cooke*, Cheltenham, Gloucestershire, auctioneer, July 31 at 12, District Court of Bankruptcy, Bristol.—*John Cadogan* the younger, Brecon, stay warehouseman, July 31 at 11, District Court of Bankruptcy, Bristol.—*Peter Rhodes*, Manchester, cotton spinner, July 29 at 12, District Court of Bankruptcy, Manchester.—*Wm. Fox and Jas. Fox*, Manchester, oil and colourmen, July 30 at 11, District Court of Bankruptcy, Manchester.—*John Hayes*, Newton, Manchester, manufacturing chemist, July 31 at 11, District Court of Bankruptcy, Manchester.—*David Thomson*, Stanley Spring Bleach Works, Walmersley-cum-Shuttleworth, Bury, Lancashire, bleacher, July 30 at 11, District Court of Bankruptcy, Manchester.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before July 28.*

*Henry Blunt*, Woolton, Lancashire, licensed victualler.—*Thos. Barnabus Duff*, Birmingham, button maker.—*Charles Oswald Robson*, Finsbury-st., Finsbury-square, Middlesex, plasterer.

#### PARTNERSHIPS DISSOLVED.

*Matthew Paramore and Alfred Copp*, Bridgwater, Somersetshire, attorneys and solicitors.—*Wm. Jefferys and Richard Bathurst*, Faversham, Kent, attorneys, solicitors, and conveyancers.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Frederick Hymer Pearce*, Pleasant-place, Clapham, out of business, July 23 at 11, Court of Bankruptcy, London.—*W. Parbury Hughes*, Park-lane, Liverpool-road, St. Mary, Islington, Middlesex, out of business, July 23 at 11, Court of Bankruptcy, London.—*Geo. Gingell*, Chatham, Kent, beer-shopkeeper, July 16 at 11, Court of Bankruptcy, London.—*Jos. Scaplehorn*, Cambridge, out of business, July 23 at 11, Court of Bankruptcy, London.—*Henry Cowper*, Rochester, Kent, secretary of the Grand London and Dublin Approximation Railway Company, July 30 at 11, Court of Bankruptcy, London.—*John Eden Spalding*, Albemarle-street, Piccadilly, Middlesex, July 14 at 3, Court of Bankruptcy, London.—*Jas. Davis*, Charlotte-st. West, Chalk-road, St. Mary, Islington, Middlesex, compositor, July 13 at 12, Court of Bankruptcy, London.—*Wm. John Lorkin*, Hayfield-place, Mile-end-road, Middlesex, shoemaker, July 13 at 12, Court of Bankruptcy, London.—*John Lowe*, Charlotte-st., Portland-place, Upper Mary-le-bone-street, Middlesex, cook, July 11 at 1, Court of Bankruptcy, London.

*Saturday, July 4.*

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*Michael Coleman*, Drury-lane, Middlesex, tailor, No. 58,147 T.; *John Hatton*, assignee.—*Wm. Smith Stredder*, Tranmere, near Birkenhead, Cheshire, builder, No. 67,121 C.; *John Edwards*, assignee.—*John Lumley*, Aldborough, Yorkshire, farm bailiff, No. 67,352 C.; *Thomas Price*, assignee.—*Joseph Sugden*, North Bierley, near Bradford, Yorkshire, farmer, No. 67,440 C.; *Ether Pollard*, assignee.—*Joseph Scott*, Leeds, Yorkshire, shopman to a clock maker, No. 67,441 C.; *Lyon Samuel*, assignee.—*H. E. G. Teasdale*, Staham-harbour, Durham, grocer, No. 67,457 C.; *Richard Appleton and Wm. Ramshaw*, assignees.—*Rich. Shepherd*, Clayton-heights, near Bradford, Yorkshire, stuff manufacturer, No. 67,461 C.; *A. Green*, Thos. Kershaw, and *James Kershaw*, assignees.

*Saturday, July 4.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*John Howlett*, Salmon's-lane, Limehouse, Middlesex, licensed dealer in beer: in the Debtors Prison for London and Middlesex.—*Peter Parent*, Air-street, Piccadilly, Middlesex, tailor: in the Debtors Prison for London and Middlesex.—*Wm. James Cockerill*, York-road, Lambeth, Surrey, clerk to a railway company: in the Debtors Prison for London and Middlesex.—*George Marston Newman*, New-street-mews, Dorset-square, Middlesex, horse dealer: in the Debtors Prison for London and Middlesex.—*Walter Banfield*, Richmond-grove, Barnsbury-road, Islington, Middlesex, tailor: in the Debtors Prison for London and Middlesex.—*James D. Baring*, Rupert-street, Haymarket, Middlesex, gentleman: in the Queen's Prison.—*Elizabeth Bartlett*, Abbotsbury, Dorsetshire, widow: in the Gaol of Dorchester.—*John Keenan*, Liverpool, agent: in the Gaol of Lancaster.—*Wm. Finimore*, Oreston, Plymouth, Devonshire, master mariner: in the Gaol of St. Thomas the Apostle.—*John Mansder*, Bideford, Devonshire, innkeeper: in the Gaol of St. Thomas the Apostle.—*Isaac Hartley*, Hallas-bridge, near Bingsley, Yorkshire, worsted spinner: in the Gaol of York.—*Eliz. Bradbury*, Weakey, near Dobcross, Saddleworth, Yorkshire, shopkeeper: in the Gaol of York.—*Fras. E. Wilkinson*, York, schoolmaster: in the Gaol of York.—*Ambrose Sutton*, Liverpool, bookkeeper: in the Gaol of Lancaster.—*James Andrews*, Shaftesbury, Dorsetshire, cheese dealer: in the Gaol of Dorchester.—*John Hunt*, Hadham-cross, Great Hadham, Hertfordshire, corn and coal dealer: in the Gaol of Hertford.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Tuesday, July 21, at 9.*

*George Frost*, Trafalgar-place, Edmonton, Middlesex, brewer's commission agent.—*Wm. Pike* the elder, Uxbridge, Middlesex, licensed victualler.—*J. Wilkinson*, Tyoo-street, Clerkenwell, Middlesex, wood engraver.—*John Baptiste Rorel*, High Holborn, Middlesex, artificial flower maker.—*Michael Coleman*, Drury-lane, Middlesex, licensed dealer in beer.

*July 22, at the same hour and place.*

*Roger Robson*, Jeffery's-terrace, Bridge-street East, Mile-end Old-town, Middlesex, provision merchant.—*C. Thorpe* the younger, Weymouth-street, New Kent-road, Surrey, shoe-maker.

*Court-house, LEICESTER, (County), July 22, at 10.*

*Edward Jas. Inchley*, Drayton, out of business.—*William Inchley*, Drayton, out of business.—*John Garner*, Leicester, hosier.

*Court-house, COVENTRY, (City), July 23, at 10.*

*Wm. Jester* the younger, Birmingham, victualler.

*Court-house, BEAUMARIS, Anglesey, July 21, at 10.*

*John Hughes Ellis*, Cefnrysgwydd, out of business.

*Court-house, BODMIN, Cornwall, July 21, at 10.*

*Jane Treleven*, Luxilion, widow, grocer.

#### MEETING.

*Robert Ellis*, Bryniau, Dyserth, Flintshire, miner, July 22 at 12, Horne's, Denbigh, sp. affairs.

**FRIDAY, JULY 10.**

#### BANKRUPTS.

**ALFRED BARLEY**, March, Cambridgeshire, draper, grocer and cheesemonger, dealer and chapman, July 17 at half-past 1, and Aug. 21 at 2, Court of Bankruptcy, London: Off. Ass. Alsager; Sol. Wright, London-st., Fenchurch-st.—Fiat dated July 1.

**PHILIP FLOOD PAGE and PHILIP NORRIS PAGE**, King's-road, Gray's Inn, Middlesex, builders, July 17 and Aug. 21 at 1, Court of Bankruptcy, London: Off. Ass. Belcher; Sol. Hall, Brunswick-row, Queen-sq., Bloomsbury.—Fiat dated July 8.

**EDWARD BRAILSFORD**, Old Steine, Brighton, Sussex, music seller, July 17 at half-past 12, and Aug. 20 at 1, Court of Bankruptcy, London: Off. Ass. Belcher; Sol. Chappell, Quality-court, Chancery-lane.—Fiat dated July 3.

**WILLIAM OSBORN** the younger, St. James's-street, Piccadilly, Middlesex, silversmith and jeweller, July 23 at 12, and Aug. 25 at half-past 2, Court of Bankruptcy, London: Off. Ass. Green; Sol. Teague, Crown-court, Cheapside.—Fiat dated July 2.

**JOHN STILES**, Wells-street, Oxford-st., Middlesex, soda water maker, July 18 at 2, and Aug. 25 at 11, Court of Bankruptcy, London: Off. Ass. Follett; Sols. Hill & Co., St. Mary Axe.—Fiat dated July 1.

**HENRY SAVAGE**, Dorset-place, Dorset-square, Middlesex, apothecary, July 21 and Aug. 25 at 2, Court of Bankruptcy, London: Off. Ass. Follett; Sols. Mayhew & Son, Carey-street.—Fiat dated July 7.

**JAMES BALLARD**, Hastings, Sussex, innkeeper, dealer and chapman, July 23 and Aug. 25 at 2, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Steele, 1, Lincoln's-inn-fields.—Fiat dated June 29.

**ROBERT HARDING EVANS** and **CHARLES EVANS**, New Bond-st., Middlesex, auctioneers and booksellers, July 21 at 2, and Aug. 25 at 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Dean & Co., 13, St. Swithin's-lane, City.—Fiat dated July 6.

**EDWIN COX NICHOLLS**, Bristol, broker, dealer and chapman, July 2 at 12, and Aug. 25 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sols. Savery & Co., Bristol.—Fiat dated July 2.

**THOMAS HUTCHINSON**, Sunderland and Wingate, Durham, tea dealer and grocer, (carrying on trade under the style or firm of Thomas Hutchinson & Co.), July 29 and Aug. 25 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. J. J. and G. W. Wright, Sunderland; Maples & Co., 6, Frederick's-place, Old Jewry, London.—Fiat dated July 7.

**WILLIAM ROBINSON**, Saddleworth, Yorkshire, dyer, cloth merchant, dealer and chapman, July 27 and Aug. 14 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Repe; Sols. Barker, Huddersfield; Lever, King's-road, London.—Fiat dated July 6.

**JOHN MOZLEY STARK**, Gainsborough, Lincolnshire, bookseller, stock and share broker, dealer and chapman, July 29 and Aug. 19 at 11, Town-hall, Kingston-upon-Hull: Off. Ass. Kynaston; Sols. Robinson, Gainsborough; Taylor, Featherstone-buildings, London.—Fiat dated July 6.

**WILLIAM WATTS**, Doncaster, Yorkshire, millwright, machine maker, iron founder, and dealer and chapman, July 21 and Aug. 11 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Kynaston; Sols. Sheardown, Doncaster; Dunning & Stawman, Leeds; Milton, Southampton-buildings, London.—Fiat dated July 6.

**SPENCER PURSER**, Cheltenham, Gloucestershire, draper, dealer and chapman, July 24 and Aug. 21 at 1, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sols. W. & C. Bevan, Bristol; Soles & Turner, Aldermanbury.—Fiat dated July 2.

**BENJAMIN SCOTT**, Bath, Somersetshire, seedsman, grocer, dealer and chapman, July 27 and Aug. 24 at 1, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sol. Packwood, Cheltenham.—Fiat dated July 6.

**DAVID JAMES**, Cardigan, Cardiganshire, licensed victualler, dealer and chapman, July 27 at 12, and Aug. 24 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sols. Sabine, Bristol; Trehern & White, Bucklersbury, London.—Fiat dated July 3.

**FREDERICK BUTLER**, Stafford, ironmonger, July 28 and Aug. 25 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sols. Bowen, Stafford; Smith, Birmingham.—Fiat dated July 7.

## MEETINGS.

*John Winter*, Hatton-garden, Middlesex, plate glass factor, July 21 at 12, Court of Bankruptcy, London, ch. ass.—*John F. Corbett*, Worcester, coal merchant, July 22 at 12, District Court of Bankruptcy, Birmingham, ch. ass.—*John Nield*, Manchester, and Bank-mill, near Lees, Ashton-under-Lyne, Lancashire, and Saddleworth, Yorkshire, woollen manufacturer, July 23 at 12, District Court of Bankruptcy, Manchester, last ex.—*John Leadbeater*, Manchester, merchant, manu-

facturer of shirtings and calicoes, July 23 at 12, District Court of Bankruptcy, Manchester, last ex.—*Wm. Walker*, Battleslaw, Staffordshire, miller, Aug. 5 at 12, District Court of Bankruptcy, Birmingham, last ex.—*E. Williams*, Northop, Flintshire, draper, July 22 at 11, District Court of Bankruptcy, Liverpool, last ex.—*C. F. Carne* and *Maurice Telo*, Liverpool, merchants, July 21 at 12, District Court of Bankruptcy, Liverpool, last ex.—*Charles John Bond*, Tranquillvale, Blackheath, Kent, tailor, July 31 at half-past 1, Court of Bankruptcy, London, aud. ac.—*George Fellhouse*, Dorcas-terrace, Fulham, Middlesex, plumber, July 31 at half-past 11, Court of Bankruptcy, London, aud. ac.—*John Dailey* and *Alfred Inskip*, Long-lane, Bermondsey, Surrey, leather manufacturers, July 29 at 11, Court of Bankruptcy, London, aud. ac.—*Thomas Showell*, Ludgate-street, Ludgate-hill, London, tailor, July 21 at 12, Court of Bankruptcy, London, aud. ac.—*Andrew Valentine Leaman* and *Wm. Andrew*, Fenchurch-street, London, wholesale mahogany merchants, Aug. 1 at 12, Court of Bankruptcy, London, aud. ac.; Aug. 4 at 1, div.—*Thomas Maginnis Taylor*, Newcastle-upon-Tyne, merchant, Aug. 3 at half-past 10, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*John V. Barber*, Walsall, Staffordshire, banker, July 31 at 11, District Court of Bankruptcy, Birmingham, aud. ac.; Aug. 4 at 11, div.—*John Clarke*, *Richard Mitchell*, *Joseph Phillips*, and *Thomas Smith*, Leicester, bankers, Aug. 4 at 11, District Court of Bankruptcy, Birmingham, aud. ac.—*Thos. B. Duff*, Birmingham, button maker, Aug. 1 at 12, District Court of Bankruptcy, Birmingham, aud. ac.—*Edward Hill*, Stourport, Worcestershire, hosier, Aug. 1 at 12, District Court of Bankruptcy, Birmingham, aud. ac. and fin. div.—*John Cooper*, Stoney-lane, Southwark, Surrey, wheelwright, July 28 at 12, Court of Bankruptcy, London, div.—*Henry Wood*, Basinghall-street, London, woollen factor, July 28 at half-past 12, Court of Bankruptcy, London, div.—*Thomas Pulvertoft*, Wisbeach St. Peter's, Isle of Ely, Cambridgeshire, gentleman, July 31 at 1, Court of Bankruptcy, London, div.—*N. T. Smith* the younger, Lime-street, London, ship owner, July 28 at half-past 12, Court of Bankruptcy, London, fin. div.—*John Furnival*, Kettering, Northamptonshire, corn dealer, July 28 at 11, Court of Bankruptcy, London, fin. div.—*Wm. Hay* and *John A. Titterton*, London-road, Surrey, oil and colour man, July 28 at 12, Court of Bankruptcy, London, div. sep. est. of *Wm. Hay*.—*Wm. Harding* the elder, Vincent-square, and West-wharf, Millbank, Westminster, Middlesex, mason, July 28 at half-past 1, Court of Bankruptcy, London, fin. div.—*John Burbidge* and *John Burbidge* the younger, Tysoe-street, Clerkenwell, Middlesex, cabinet makers, July 28 at half-past 11, Court of Bankruptcy, London, div. sep. est. of *J. Burbidge*, senior.—*John Berry*, Church-street, Paddington, Middlesex, draper, Aug. 1 at 11, Court of Bankruptcy, London, div.—*Henry Fawcus* and *Robert Fawcus*, Stockton-upon-Tees, Durham, timber merchants, Aug. 3 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne, fin. div.

## CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on the Day of Meeting.*

*John Wm. Pitsch*, Sackville-street, Piccadilly, Middlesex, tailor, July 31 at 11, Court of Bankruptcy, London.—*John Berry*, Church-street, Paddington, Middlesex, draper, Aug. 1 at 11, Court of Bankruptcy, London.—*Maria Bird*, Cheltenham, Gloucestershire, milliner, Aug. 3 at 1, District Court of Bankruptcy, Bristol.—*Joel Rudman*, Bath, Somersetshire, oilman, July 31 at half-past 11, Court of Bankruptcy, London.—*Wm. Andrew*, Fenchurch-street, London, wholesale mahogany merchant, Aug. 1 at 12, Court of Bankruptcy, London.—*Rich. Lewis*, Wootton-under-Edge, Gloucestershire, woollen manufacturer, Aug. 3 at 11, District Court of Bankruptcy, Bristol.—*Philip Vaughan*, Brecon, Breconshire, scrivener, Aug. 4 at 11, District Court of Bankruptcy, Bristol.—*Wm. Rowlandson*, Wakefield, Yorkshire, surgeon, Aug. 4 at 11, District Court of Bankruptcy, Leeds.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before July 31.*

*Edward Hill*, Stourport, Worcestershire, hosier.—*Benj. Sayle*, Sheffield, and Tinsley-park, Rotherham, Yorkshire, iron master.—*Hannah Walduck*, Nelson-square, Blackfriars-road, Surrey, widow.—*Abraham Lord*, Collyhurst, Manchester, dyer.—*Samuel Boord*, Bristol, woollen draper.—*Samuel Ogden*, Manchester, woollen factor.

## PARTNERSHIP DISSOLVED.

*Edward Daniell and Arthur L. Laing*, Colchester, Essex, attorneys and solicitors.

## SCOTCH SEQUESTRATIONS.

*George Pentland*, deceased, Perth, coach maker.—*Lewis M'Bein*, Kingussie, merchant.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Hume Lancaster*, Primrose-cottage, Haverstock-hill, Hampstead, Middlesex, artist, July 27 at 11, Court of Bankruptcy, London.—*Jacob Coppstone*, Trinity-sq., Tower-hill, London, traveller to wine merchants, July 27 at 11, Court of Bankruptcy, London.—*George Marshall*, Wisbeach St. Peter's, Isle of Ely, Cambridge, clerk and superintendent of the gas works, July 27 at 11, Court of Bankruptcy, London.—*Wm. Scovell*, Colchester, Essex, plasterer, July 27 at 12, Court of Bankruptcy, London.—*John Hooper*, Bridport-place, New North-road, Hoxton, Shoreditch, Middlesex, pocket book maker, July 27 at 11, Court of Bankruptcy, London.—*Jos. Benj. Holmes*, Union-street, Spitalfields, Middlesex, out of business, Aug. 6 at 11, Court of Bankruptcy, London.—*Ann Purcell*, High-street, Hoxton Old-town, Middlesex, widow, general shopkeeper, Aug. 6 at 11, Court of Bankruptcy, London.—*Thos. Chalk*, Lewisham, Kent, out of business, Aug. 6 at half-past 11, Court of Bankruptcy, London.—*Ch. Thomson*, Chaumert-pl., Rye-lane, Peckham, Surrey, merchant's clerk, Aug. 6 at 11, Court of Bankruptcy, London.—*Thos. Tasso Jones*, Albert-place, Shepherd's-walk, City-road, Shoreditch, Middlesex, comedian, Aug. 6 at 11, Court of Bankruptcy, London.—*Thos. Henry Farley*, Richmond-street, Walworth, Surrey, clerk to a lead merchant, July 10 at 11, Court of Bankruptcy, London.—*J. Weston*, Tucker's-place, St. John's-wood, Mary-le-bone, Middlesex, carpenter, July 13 at 1, Court of Bankruptcy, London.—*C. Abraham Parker*, Curator-street, Chancery-lane, Middlesex, civil engineer, July 11 at 11, Court of Bankruptcy, London.—*Edwin Rich. Robson Letton*, Maidstone Gaol, out of business, July 16 at 12, Court of Bankruptcy, London.—*T. Clift Farmilo*, Graham-street West, Pimlico, Middlesex, plasterer, July 15 at half-past 11, Court of Bankruptcy, London.—*Sam. Waterfield*, Dunstable, Bedfordshire, dealer in straw plait, July 15 at half-past 11, Court of Bankruptcy, London.—*Joseph Carriere*, John-st., Berkeley-square, Middlesex, hair dresser, July 15 at 11, Court of Bankruptcy, London.—*Samuel Sower*, Wakefield, Yorkshire, tailor, July 16 at 11, District Court of Bankruptcy, Leeds.—*Joseph Dixon*, Lincoln, machine maker, July 15 at 11, District Court of Bankruptcy, Leeds.—*W. Prais*, Tipton, Staffordshire, printer, July 22 at 12, District Court of Bankruptcy, Birmingham.—*H. Calor Harris*, Liverpool, laceman, July 17 at 11, District Court of Bankruptcy, Liverpool.—*S. Jones*, Tynnyrhyd, Cerrig-druidion, Denbighshire, grocer, July 17 at 11, District Court of Bankruptcy, Liverpool.—*George Butterwick*, Newcastle-upon-Tyne, painter, Aug. 7 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Ralph H. Thomson*, Bootle, near Liverpool, book-keeper, July 17 at 11, District Court of Bankruptcy, Liverpool.—*George Wilkinson*, Barnsley, Yorkshire, shuttle maker, July 14 at 11, Commercial-buildings, Leeds.—*Radcliffe Carrodus*, Bradford, Yorkshire, beer seller, July 14 at 11, Commercial-buildings, Leeds.—*Jonas Sutcliffe*, Lee-bank, Ovenden, Halifax, Yorkshire, overlooker, July 14 at 11, Commercial-buildings, Leeds.—*John Taylor*, Narrow-marsh, Nottingham, miller, July 17 at 10, District Court of Bankruptcy, Birmingham.—*Charles Dicks*, Swansea, Glamorganhire, victualler, July 27 at half-past 11, District Court of Bankruptcy, Bristol.—*T. Davies*, Monmouth, waterman, July 16 at 11, District Court of Bankruptcy, Bristol.—*Benjamin Atkinson*, Leeds, joiner, July 16 at 11, District Court of Bankruptcy, Leeds.—*Edwin Nash Crocker*, Bristol, carpenter, July 16 at half-past 11, District Court of Bankruptcy, Bristol.—*Thomas Shepherd*, Swansea, Glamorganhire, out of business, July 27 at 11, District Court of Bankruptcy, Bristol.—*Mark Moore* the younger, Alfreton, Derbyshire, bricklayer, July 24 at 12, District Court of Bankruptcy, Manchester.—*Henry Bates*, Walsall, Staffordshire, licensed victualler, July 18 at 11, District Court of Bankruptcy, Birmingham.—*Charles Hughes*, Cheltenham, Glou-

stershire, tailor, July 17 at half-past 1, District Court of Bankruptcy, Bristol.

Wednesday, July 8.

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Solomon Biles*, Gattton, near Reigate, Surrey, blacksmith: in the Gaol of Horsemonger-lane.—*Thos. John Leggett*, East-st., Lambeth-walk, Lambeth, Surrey, licensed retailer of beer: in the Gaol of Horsemonger-lane.—*Jen. Nash*, Fore-street, Limehouse, Middlesex, eating-house keeper: in the Debtors Prison for London and Middlesex.—*Pierre Louey*, Basing-lane, London, master mariner: in the Debtors Prison for London and Middlesex.—*Thos. White*, Wigmore-st., Cavendish-square, Middlesex, lace dealer: in the Debtors Prison for London and Middlesex.—*Thos. Hardy*, Union-street, Spitalfields, Middlesex, broker: in the Debtors Prison for London and Middlesex.—*Wm. Bestow*, Vernon-place, Bag-nigge Wells-road, Clerkenwell, Middlesex, milliner: in the Debtors Prison for London and Middlesex.—*John Thomas Austin*, Cromer-st., Judd-st., Brunswick-square, Middlesex, fringe maker: in the Debtors Prison for London and Middlesex.—*Wm. Dugdale*, Hollywell-street, Strand, Middlesex, printer: in the Debtors Prison for London and Middlesex.—*Jas. White*, Port-st., Walworth, Surrey, superannuated tide surveyor in the Customs: in the Gaol of Horsemonger-lane.—*Mich. Goodale*, Rutland-terrace, Hornsey New-road, Holloway, Middlesex, builder: in the Debtors Prison for London and Middlesex.—*John Dennis Rose Mitchell*, Caroline-place, City-road, Middlesex, beer retailer: in the Debtors Prison for London and Middlesex.

*(On Creditor's Petition).*

*Harriet Pilcher*, Bath-st., City-road, Middlesex, cheesemonger: in the Debtors Prison for London and Middlesex.

*(On their own Petitions).*

*George Morecroft*, Burton-upon-Trent, Staffordshire, dealer in Roman cement: in the Gaol of Stafford.—*Andrew Birch Sides*, Grove, Maesbury, near Oswestry, Shropshire, farmer: in the Gaol of Shrewsbury.—*Joseph Goldthorpe*, Manchester, provision-shop keeper: in the Gaol of Lancaster.—*Ed. Hewford*, Gosport, Hampshire, butcher: in the Gaol of Winchester.

*The following Prisoners are ordered to be brought up before a Commissioner on Circuit:—*

*Court-house, LEWES, Sussex, July 24, at 10.*

*Joseph Upton*, South Malling, shepherd.—*Wm. Hill*, Watersfield, near Arundel, baker.—*Chas. Verrall*, Lewes, tallow chandler.

*Court-house, EXETER, Devonshire, July 24, at 10.*

*Thos. Lionel Rich*, Dartmoor, Lydford, clerk.—*J. Mansder*, Bideford, innkeeper.—*Wm. Ffannimore*, Oreston, Plymouth, master mariner.—*J. Eastcott*, Plymouth, out of business.—*Sam. Allin*, Sutcombe, farmer.—*Rich. Allen*, Colmpton, tea dealer.—*John Cridland*, Plymouth, horse-collar maker.—*Wm. May*, Devonport, superannuated labourer in her Majesty's Ordnance Department, at Devonport.

*Court-house, DORCHESTER, (County), July 27, at 10.*

*Elizabeth Berilett*, Abbotbury, widow and servant.—*Jas. Andrews*, Shaftesbury, cheese dealer.

*Court-house, EXETER, (City), July 24, at 10.*

*Ephraim Pope*, Exeter, out of business.—*Samuel Lark*, Exeter, labourer.—*Wm. Langman*, St. Sidwell, Exeter, slate merchant.

*Court-house, WARWICK, (County), July 24, at 10.*

*John Lees*, Birmingham, architect.—*The Rev. J. Beynon*, Whitsun, near Newport, farmer.—*Ed. Black*, Harborne-juxta-Birmingham, attorney at law.—*Samuel Mason*, Birmingham, dealer in potatoes.—*Arthur Warboys*, Birmingham, out of business.—*West Henry Parkes*, Birmingham, hosier.—*George Dobson Crouther*, Tamworth, private tutor.—*Sam. Bate*, Balsall-heath, near Birmingham, out of business.

## MEETING.

*Matthew Noble*, Bramham, near Wetherby, Yorkshire, labourer, July 27 at 11, Sanderson's, Leeds, sp. aff.

**DEATH OF SIR N. C. TINDAL, KNT.**—Sir Nicholas Conyngham Tindal, Knt., Chief Justice of the Court of Common Pleas, died at Folkestone, on Monday evening last, after a short illness. The learned Judge was born at Chelmsford, in Essex, in 1776. In 1795 he entered at Trinity College, Cambridge, and took his degrees of B. A. 1799 and M. A. 1802. He obtained a fellowship in 1801, which he retained until 1819, the period of his marriage. He was called to the Bar in 1809, at Lincoln's Inn, and in the year 1829 was appointed Chief Judge of the Common Pleas.

**NEW QUEEN'S COUNSEL.**—The following gentlemen have been appointed Queen's Counsel:—S. H. Walpole, Esq.; J. Rolt, Esq.; J. Bacon, Esq.; and J. W. Wilcock, Esq.

The Queen has been pleased to appoint Daniel H. O. Gordon, Esq., to be Chief Justice for the Virgin Islands.

The Queen has been pleased to appoint Henry James Perry, Esq., to be one of the Commissioners to act in the prosecution of Fiats in Bankruptcy in the country.

**MASTERS IN CHANCERY.**—The Lord Chancellor has appointed the following gentlemen Masters Extraordinary in the high Court of Chancery:—John Frederick Reeves, of Taunton, Somersetshire; Henry Channing, of Taunton, Somersetshire; James William Conington, of Horneastle, Lincolnshire; William Sweet, of Bristol; Samuel Wilkinson the younger, of Walsall, Staffordshire.

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Printed by **WALTER M'DOWALL, PRINTER**, residing at No. 4, Pemberton Row, Gough Square, in the Parish of St. Bride, in the City of London, at his Printing Office, situate No. 5, Pemberton Row aforesaid; and Published at No. 3, CHANCERY LANE, in the Parish of St. Dunstan in the West, in the City of London, by **HENRY SWEET, Law Bookseller and Publisher**, residing at No. 11, John Street, Bedford Row, in the County of Middlesex. Saturday, July 11, 1846.



# The Jurist

No. 497—VOL. X.

JULY 18, 1846.

PRICE 1s.

\*. The following are the Names of the Gentlemen who favour THE JURIST with Reports of Cases argued and decided in the several Courts of Law and Equity:—

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LONDON, JULY 18, 1846.

We had occasion some time ago (see 10 Jur. p. 109) to call the attention of our readers to a case very important to solicitors, who are frequently applied to, expressly because they are solicitors, to act as executors or trustees; a position in which the general rule is, that they cannot, under any circumstances, in the absence of specific agreement, recover or retain anything for professional services. The case of *Stanes v. Parker* (cited in the paper referred to) seemed somewhat to qualify the doctrine, by deciding, that, where cestuis que trustant had had before them for a fortnight a draft of a release to their trustee, who had acted as solicitor, accompanied with, and taking into account his bill of costs by way of debiting the estate, and had then executed the release, they could not afterwards set it aside and disallow the trustees' costs as solicitor. We observed, that, in that case, it did not appear whether the solicitor had distinctly apprised the plaintiffs of their right to refuse payment of his bill, or whether that knowledge was presumed.

A case of a very similar character to *Stanes v. Parker* has, however, just been decided, which seems at variance with the decision in that case. In the case of *Todd v. Wilson*, (Rolls, 15th inst.), it appeared that William Todd, by his will, had bequeathed his property to the defendants, one of whom was a solicitor, upon certain trusts, under which they were to purchase an annuity for the lives of the father and mother of the plaintiff, and to pay the residue to the plaintiff. Arrangements were, after the testator's death, entered into, by which the plaintiff became entitled to the capital of his estate; and then accounts were delivered to the plaintiff by the trustees, to whom releases were executed. The accounts contained charges for professional business done by one of the defendants in relation to the arrangements

respecting the trust property. Six years after the accounts were closed and the releases executed, the plaintiff filed his bill to have the whole account re-opened. It was argued, on the one side, that, though a solicitor trustee might employ another solicitor, yet he cannot, if he chooses to act himself as solicitor, make any professional charge. On the other side, the acquiescence of six years was insisted upon, and it was said, that the business done related not merely to the testator's estate, but to the arrangements between the plaintiff and his father, the intended annuitant. We are not aware whether *Stanes v. Parker* was cited, but we conclude that it was not. The Master of the Rolls is reported to have said, that Trotter, (one of the defendants), acting as solicitor, was, so far, both solicitor and client, and that, as solicitor, he was acting for himself as trustee. A solicitor so employed was entitled only to disbursements out of pocket, and was not entitled to charge for his time, professional trouble, or fees. And, accordingly, the bill of costs was referred to the Master, upon the footing of striking out all charges for professional services, except costs out of pocket.

Now, so far as can be gathered from the note of this case which is to be found in the public journals,—the only source of information to which we have at present access,—it would seem that the circumstances are as nearly as possible the same as in *Stanes v. Parker*. There was in both cases professional business done by a trustee solicitor. In both cases the trustee delivered an account, which was fully placed before the cestuis que trustant; in both cases the cestuis que trustant, apprised of the account, and of the inclusion in the terms of the intended release of such account, executed deliberately the release: but, in the one case, the court thought the execution of the release constituted an acquiescence against the cestuis que trustant; in the other, it thought fit to re-open the account notwithstanding the release.



Unless, therefore, there were circumstances in the case of *Todd v. Wilson* which do not appear in the report of that case in the public journals, we conceive that it must be considered as in direct conflict with, and overruling, *Stanes v. Parker*. And, until the doctrine of the latter case, a doctrine which certainly goes much further than any preceding case in support of the claim of trustees to be allowed remuneration, is confirmed by distinct judicial recognition, we apprehend the doctrine must be taken, on this subject, to be restored to its pristine rigidity; and that, in the absence of express agreement, no implied acquiescence on the part of a cestui que trust will bind him to submit to the charge of a trustee for professional business done in his character of trustee. We believe, that, before *Stanes v. Parker*, the doctrine was understood to be, that nothing short of a deliberate and distinct direction in the instrument creating a trust that the trustee, if a solicitor, might charge for his services,—or, if there was no such direction in the instrument of trust, a deliberate and positive agreement to pay for such services by the cestui que trust, not resting upon mere inference, but referrible to actual contract,—would have the effect of protecting the trustee against the reopening of his account. *Stanes v. Parker*, therefore, to some extent introduced an element of laxity into the doctrine of the court; and the recent case of *Todd v. Wilson* restores it to its original state, of which it may be said, that, however rigid and apparently harsh it may be, it is probably founded on reasons of sound policy, and that, at any rate, it is clear and intelligible, and affords, therefore, a safe ground for the conduct of trustees.

## POINTS ON THE LAW AND PRACTICE OF INJUNCTIONS.

(Continued from p. 230).

### III. Doctrine of Acquiescence.

An important distinction exists between the effect of acquiescence as a ground of demurrer to a bill for an injunction, and as a ground for resisting merely the injunction. In the first instance, the acquiescence must be such as wholly to disentitle the plaintiff to any relief; in the second, acquiescence falling short of that degree may be a sufficient defence. (*Gordon v. The Cheltenham Railway Company*, 5 Beav. 229).

The case referred to turned upon two points: first, whether certain buildings erected and used by a company for the purpose only of housing and repairing their engines and carriages, and not as a station, in the ordinary sense of the word, constituted public buildings, &c. within the meaning of the act under which the company acted; and, secondly, whether the acquiescence of the plaintiff had been such as to preclude him from obtaining an injunction. It appeared that he had continually objected to the proceedings of the company, though he had taken no proceedings so long as he was led by them to believe that such proceedings were merely temporary; but, on their asserting a right to do the acts objected to, the plaintiff filed his bill without any further delay. On both points Lord Langdale, M. R., thought the plaintiff entitled to an injunction: afterwards an appeal motion was heard by the Lord Chancellor, who directed the opinion of a court of law to be taken on the construction of the act. The report does not state whether his Lordship continued the injunction in the meantime.

### IV. Of the Jurisdiction to enforce the Performance of a Substantive Act.

In *The Great North of England, Clarence, and Harlepool Junction Railway Company v. The Clarence Railway Company*, (1 Coll. 507), the principal question between the parties was upon the construction of the act of Parliament, under which the plaintiffs claimed to act,—whether, assuming that the plaintiffs had a right to make a bridge, pursuant to a certain plan, over the defendants' railway, no part of the permanent supports of such bridge being intended to rest upon the defendants' land, the plaintiffs had a right, by way of temporary easement, to erect poles and other temporary constructions upon land adjacent to the defendants' railway, and to pass and re-pass across such railway, doing no vexatious acts, compensating for all damage, and not interfering with the regular traffic of the defendants' railway. The defendants, in order to prevent the plaintiffs from so temporarily using their land, had built up a wall, which effectually prevented the plaintiffs from carrying on their works; and the bill prayed an injunction to restrain the defendants from continuing to maintain such wall, and from preventing the defendants from making their bridge &c. In effect, therefore, the bill sought for an order to compel the defendants to remove their wall. The court refused to grant the injunction until satisfied, by the opinion of a court of law, that the plaintiffs had a legal right to build the bridge, and also a legal right to use the defendants' lands by way of temporary easement. But, the Court of Exchequer having certified that the plaintiffs had both such legal rights, the Lord Chancellor, supporting the view of Knight Bruce, V. C., that it was no objection to the injunction that it was in effect of a mandatory character, made the order nearly in the terms of the prayer of the bill. To the same effect is *Lord Macborough v. Bower*, (7 Beav. 127), in which an injunction was granted to restrain the defendant (who had cut certain channels from one coal field into another, in derogation of an agreement with the plaintiff) from permitting the communication to continue open.

And here may also be mentioned two cases of *Whitaker v. Howe* (3 Beav. 383) and *Taylor v. Davis*, (1 Beav. 388, n.). In the former a motion was made to restrain the defendant, a solicitor, who had sold his business to the plaintiff, and, notwithstanding, kept possession of books belonging to such business, from detaining and keeping possession of the books, &c. from the chambers of the plaintiff, and from permitting the same to remain away from the office of the plaintiff. Lord Langdale at first made no order upon the motion as to the retention of papers, not, it would seem, from any doubt of the jurisdiction, but because the defendant's counsel made an offer, which, if acted upon, would have rendered the injunction unnecessary; but he afterwards made the order. (See note, p. 395).

*Taylor v. Davis* was a case in which, one partner having, contrary to a covenant in the partnership deed, abstracted a partnership book from the counting-house of the firm, an injunction was granted, and continued at the hearing of the cause, restraining him from continuing to violate the covenant.

### V. Of extending the Common Injunction.

In *Ashby v. Jackson* (6 Beav. 336) the case of *Thorp v. Hughes* (3 My. & C. 782) was cited, and its doctrine acquiesced in by the court. It is to be presumed, however, from what is stated in the report of *Ashby v. Jackson*, that that case fell more properly under the rule in *Whits v. Steinmacks*, (19 Ves. 83), as it would seem, that, in *Ashby v. Jackson*, the fact, that the discovery would be of no use to the plaintiff in his defence at law, appeared upon the pleadings, if at all.

\* See these cases distinguished, Drewry on Injunctions, 378.

Since the cases of *Mellor v. Oreswell* and *Howard v. Cliffe*, (3 Jur. 817), it has been held by Lord Langdale, M. R., in a case (*Archer v. Hudson*, 6 Beav. 474) where there was a common injunction obtained upon the answer being found insufficient; then an order to amend the bill, without prejudice to the injunction; and then amendment of the bill accordingly; that an order to extend the common injunction to stay trial might be granted. The motion was made on the 3rd July, and the commission-day was appointed for the 12th. His Lordship appears to have considered the case as distinguishable from *Howard v. Cliffe*, as he observed, that, if the authority of that case applied, he should refuse the motion. The report of *Archer v. Hudson* does not, however, state the grounds on which the court distinguished it from *Howard v. Cliffe*.

The rule, that, in support of a motion to extend, the affidavit of materiality will not do if made only by the plaintiff's solicitor, unless good reason is shewn why the plaintiff did not make it, has been supported in a recent case. (*Scotson v. Gaury*, 1 Hare, 99).

In the same case, the plaintiff did not move to extend till the 2nd December, the trial being fixed for the sittings commencing on the 6th. It appeared that the action was brought on the 11th August; that the plaintiff, from the circumstances, must have known what was the cause of action, and nevertheless he did not file his bill till the 8th November: and even after that, he knew that proceedings were going on at law, and might have got the common injunction on the 17th November; instead of which he never moved for it till the 24th. Under these circumstances, it was held, that his delay would preclude him from obtaining an order to extend so near the time of trial, unless the answer was insufficient; and, the answer having been excepted to and found insufficient, the Vice-Chancellor looked into it to see whether the defendant had misconducted himself, by evasion in his answer, in which case his Honor thought he might, perhaps, set off such misconduct against the dilatoriness of the plaintiff. The answer was substantially sufficient, though technically insufficient, and, therefore, the motion was refused.

## VI. Of dissolving Injunctions.

### 1. Of dissolving the Common Injunction.

The case of *Sharpley v. Perring* (8 Sim. 603) was referred to in *Bordinave v. Wadson*, (1 Coll. 432), in support of a special motion to dissolve at once the common injunction. The court refused the motion, with expressions of want of confidence in the accuracy of the report of the case of *Sharpley v. Perring*, which his Honor observed was stated to be ex relatione, without stating by whom it was reported. It is to be regretted, that the special circumstances in *Sharpley v. Perring* are not stated in the report. In *Bordinave v. Wadson*, there were no very special circumstances, and, therefore, *Sharpley v. Perring* was clearly no authority for departing in that case from the usual practice of first obtaining an order nisi. The observations of the court in *Bordinave v. Wadson* must be taken, however, to throw much doubt on the authority of *Sharpley v. Perring*, for even the limited doctrine, that in any case (except cases of the class of *Lacy v. Hornely*, 2 Ves. & B. 291) the order nisi can be dispensed with in proceeding to dissolve the common injunction.

The terms of the order nisi to dissolve the common injunction are, that the injunction is to be dissolved unless the plaintiff, his solicitor having notice, shall, on a day (named in the order), shew to the court cause to the contrary; and these terms are considered to be inconsistent with the allowance of any further time to the plaintiff to shew cause. Therefore, where the answer was filed on the 30th May, and the same day the defendant obtained and served an order nisi, the court

refused on the 2nd June (the day on which cause was to be shewn) to allow the plaintiff any further time, although the answer was of great length; so that it was manifestly out of all question that the two days could have been sufficient for the plaintiff to look into the answer to see whether exceptions should be taken to it. (*Stanley v. Bond*, 5 Beav. 175).

### 2. Of dissolving Special Injunctions.

Where a plaintiff obtains an injunction upon affidavits, the defendant, although he might try the question by demurrer, is not under any obligation to do so, if he thinks, that, by moving to dissolve upon affidavits, he can place his case better before the court. (*Barnesley Canal Company v. Twibill*, 7 Beav. 19).

It has been doubted, whether, where a special injunction has been granted against several defendants, one of them can move to dissolve without bringing the others before the court. The ground of the doubt is, that, if the defendant moving should succeed, he materially changes the position of the other defendants. The court however, doubted, at the same time, whether, if present, the defendants not moving to dissolve could oppose the motion. (*Harrison v. Harrison*, 5 Beav. 131). C. S. D.

## LAW APPOINTMENTS.

In our statement last week of the new Law Appointments, we committed two or three errors, which we now endeavour to rectify by inserting the changes in their correct form.

Mr. Serjeant Talfourd and Mr. Serjeant Manning were appointed Queen's Serjeants.

Mr. Serjeant Murphy and Mr. Serjeant Byles received Patents of Precedence.

James Humphry, Esq., J. Bacon, Esq., S. H. Walpole, Esq., and J. Rolt, Esq. were appointed Queen's Counsel in the order here put down.

## Imperial Parliament.

### HOUSE OF COMMONS.

Wednesday, July 15.

Mr. Hume moved the second reading of the Charitable Trusts Bill. As serious objections had been taken to this measure, he thought he should best fulfil the object in view by merely retaining those clauses which secured the accountability of those who had charge of public money. It was the duty of this House, after the expense which had been incurred in inquiries, to have some accounts available, that would shew how the revenues of each trust had been expended. It was not his intention to include the Bible Society, and other religious trusts or charities where the founders were alive, but these only where the individuals were dead. The principle of the bill was to secure the accountability of persons entrusted with public monies.

Sir G. Grey should not offer any opposition to the second reading of this bill; but the House must not suppose that this was a substitute for another bill, which had been thrown out in the other House, or for a more general measure.

Mr. Bernal recommended the honourable member to leave legislating upon the subject, which would be better done by the comprehensive measure referred to by the hon. Baronet.

Mr. S. O'Brien agreed with the hon. member who spoke last, that this measure might interfere with the comprehensive measure referred to by the Secretary of State, which, as he (Mr. O'Brien) understood, was in the contemplation of the Government. He moved that the bill be read a second time that day six months.

Mr. T. Egerton said, the great bodies who were the trustees of those charities either considered themselves unaccountable, or acted as if they thought so, and applied the monies to their own private purposes. He knew of charities that were so managed. When the House came to consider the great and com-

prehensive measure, let them come to the consideration of it with all the accounts before them.

Mr. *Spencer* thought that the House ought to be clearly informed how far it was intended to go; they ought to be informed whether or not they were to have all the different foundations brought within the scope of the bill; for example, were they to have King Edward's foundations comprehended within its operation? The House, he hoped, would bear in mind that all the larger charities were subject to the Court of Chancery. He would not say that the House did not possess the right to interfere, because Parliament could do anything; but he did think that a bill of that importance ought to be introduced into the House of Commons upon the responsibility of the Queen's Government.

Sir *D. L. Evans* could not help remarking, that it might be all very well to say that the Court of Chancery possessed the authority necessary for taking cognizance of these matters; but it should be remembered that proceedings in the Court of Chancery were inordinately expensive. To him it appeared that the objections to the present bill were by no means well founded; it was merely a bill to enable the Government, the Legislature, and the country, to obtain clear and exact information upon subjects of great public importance. Every one acknowledged that great abuses were committed, and the bill then before the House was merely a preliminary step, the purport of which was to clear the way for a more comprehensive measure.

Sir *J. Graham* referred to the bill brought in by Lord Lyndhurst. That bill, he said, required that trustees should furnish annual accounts, but it made certain exceptions, and he thought that similar exceptions ought to be contained in any bill introduced upon the subject. That bill, unhappily, as he thought, was defeated in the other House of Parliament; and thereupon the hon. member for Montrose inquired of him (Sir *J. Graham*) if he would consent to a single enactment requiring trustees of charities to present to Parliament a statement annually of their accounts. He told the hon. member that which he then repeated, namely, that he very much regretted the loss of the larger measure, adding at the same time, that a single enactment, requiring the annual production of accounts would, in his opinion, prove a salutary check upon the conduct of trustees in the administration of charities. The right hon. member proceeded to say, that, if it were found that the trustees of certain charities had proceeded in a manner the effect of which was to defraud those whom the donors intended should have the benefit of those charities, then, surely, it would not be an undue assumption of power if a statute were enacted compelling the annual preparation and publication of accounts, setting forth the funds which the trustees received, and the mode of their application. Such was the object of the measure then before the House, and so far, at least, it must be admitted that the bill was not too comprehensive.

After a few observations from several other hon. members, the House divided—

For the second reading .....	42
Against it .....	12
Majority for the bill .....	—30

## London Gazettes.

TUESDAY, JULY 14.

### BANKRUPTS.

**GEORGE SWAINE WHITECHURCH**, Fleet-street, London, hosier and glover, dealer and chapman, July 21 at 2, and Aug. 28 at half-past 11, Court of Bankruptcy, London: Off. Ass. Alsager; Sols. Lawrance & Reed.—Fiat dated July 6.

**FREDERICK BELLONI**, Shaftesbury, Dorsetshire, clock and watch maker, silversmith, dealer and chapman, July 23 at half-past 1, and Aug. 28 at 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Chitty, Shaftesbury; Gilbert & Co., Philpot-lane.—Fiat dated July 11.

**WILLIAM BUNDEY**, Stamford-cottages, Stamford-bridge, Fulham-road, Middlesex, builder, July 21 at half-past 12, and Aug. 21 at half-past 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Husband & Wyatt, Gray's-inn-square.—Fiat dated July 10.

**ADAM GILFILLAN**, Pomeroy-street, Old Kent-road, Surrey, draper and tea dealer, dealer and chapman, July 20 at 1, and Aug. 26 at 11, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Surr & Gribble, Lombard-street.—Fiat dated July 7.

**ROBERT SPOONER**, Buckingham-street, Strand, Middlesex, licensed victualler, July 21 at 2, and Aug. 26 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Bell, 28, Craven-street, Strand.—Fiat dated July 13.

**FREDERICK CLEMENT GRAY**, Melicent-cottages, Forest-row, Dalston, Middlesex, boarding and lodging-house keeper, July 23 at 2, and Aug. 29 at 3, Court of Bankruptcy, London: Off. Ass. Follett; Sols. Young & Son, Mark-lane.—Fiat dated July 11.

**THOMAS WALLIS**, College-street, Chelsea, Middlesex, builder, plasterer, dealer and chapman, July 22 at 11, and Aug. 29 at 1, Court of Bankruptcy, London: Off. Ass. Follett; Sol. Taylor, Lincoln's-inn-fields.—Fiat dated July 6.

**WILLIAM HENRY OSBORN** the younger, St. James's-street, Piccadilly, Middlesex, silversmith and jeweller, July 23 at 12, and Aug. 25 at half-past 2, Court of Bankruptcy, London: Off. Ass. Green; Sol. Teague, Crown-court, Cheapside.—Fiat dated July 2.

**GERARD POLDEN** and **ANTONIO HIPOLITO LAFARGUE**, Gould-square, Crutched-friars, London, ship owners and ship agents, dealers and chapmen, July 22 at 11, and Aug. 22 at half-past 2, Court of Bankruptcy, London: Off. Ass. Green; Sols. Phillips & Son, Launce Pountney-lane.—Fiat dated July 11.

**WILLIAM HENRY PEASE**, **JOHN ROBERT PEASE**, and **WILLIAM HENRY THOMPSON**, Ingram-court, Fenchurch-street, and Lime-street, London, wine merchants, (trading under the style or firm of *W. H. Pease & Co.*), July 24 at 11, and Aug. 29 at 2, Court of Bankruptcy, London: Off. Ass. Green; Sol. Bird, Lincoln's-inn-fields.—Fiat dated July 6.

**WILLIAM GROVES**, Huntingdon, grocer and tea dealer, July 28 at 1, and Aug. 29 at half-past 2, Court of Bankruptcy, London: Off. Ass. Green; Sols. Hunnybun, Huntingdon; Fox & Britten, 1, Basinghall-street.—Fiat dated July 10.

**DONALD MACLEAN**, Upper Brook-street, Grosvenor-square, Middlesex, and of Wotton Castle, and of Woodhouse-close Colliery, near Bishop Auckland, Durham, brick maker and coke manufacturer, dealer and chapman, July 24 at 12, and Sept. 3 at 11, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Innes, Billiter-street.—Fiat dated June 30.

**JOSHUA GARSED** the elder and **JOSHUA GARSED** the younger, Leeds, Yorkshire, flax manufacturers, (carrying on business at Leeds, under the style or firm of *Joshua Garsed & Co.*), July 27 and Aug. 14 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Lee, Leeds; Sudlow & Co., Chancery-lane, London.—Fiat dated July 10.

**THOMAS READ**, Manchester, cigar dealer, dealer and chapman, July 24 and Aug. 27 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Atkinson & Co., Manchester; Abbott, 10, Charlotte-street, Bedford-square, London.—Fiat dated July 6.

**JAMES SMITH WALTERS**, Bakewell, Derbyshire, surgeon and apothecary, July 28 and Aug. 25 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Hacker, Leek; Oliver, Manchester; Falcon, 4, Elm-court, Temple, London.—Fiat dated July 8.

**EDWIN COX NICHOLLS**, Bristol, broker, dealer and chapman, July 28 at 12, and Aug. 25 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sols. Savory & Co., Bristol.—Fiat dated July 2.

### MEETINGS.

*Michael Emanuel* and *Henry Emanuel*, Hanover-square, Middlesex, goldsmiths, July 24 at 11, Court of Bankruptcy, London, pr. d.—*Steph. Hey*, Colne, Lancashire, worsted manufacturer, July 28 at 12, District Court of Bankruptcy, Manchester, ch. ass. and last ex.—*Chas. Collins*, Kidderminster, Worcestershire, and King William-street, London, commission agent, July 28 at 2, Court of Bankruptcy, London, last ex.—*Geo. Sam. Coswell* and *Wm. Croser*, Newcastle-upon-Tyne, merchants, July 28 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—*Rich. C. Capleton*,

Cheltenham, Gloucestershire, tea dealer, Aug. 6 at 12, District Court of Bankruptcy, Bristol, and. ac.—*James F. Connell*, Liverpool, bookseller, Aug. 5 at 11, District Court of Bankruptcy, Liverpool, and. ac.; Aug. 6 at 11, div.—*Wm. Bull*, Leeds, Yorkshire, and Addle-street, London, cloth merchant, Aug. 7 at 11, District Court of Bankruptcy, Leeds, and. ac.; Aug. 11 at 11, div.—*Wm. Head*, Endon, Leek, Staffordshire, tanner, Aug. 7 at 10, District Court of Bankruptcy, Birmingham, and. ac.—*H. Kendall, E. Kendall, and J. Kendall*, Aston, near Birmingham, perfumers, Aug. 13 at 12, District Court of Bankruptcy, Birmingham, and. ac.; Aug. 15 at 12, fin. div.—*Thos. Nash* the younger, Stourbridge, Worcestershire, builder, Aug. 5 at 11, District Court of Bankruptcy, Birmingham, and. ac.; Aug. 6 at 11, div.—*Wm. Hardisty*, Wakefield, Yorkshire, whitesmith, Aug. 8 at 11, District Court of Bankruptcy, Leeds, and. ac.; Aug. 11 at 11, div.—*Thos. Tatham*, Thornton in Lonsdale, Yorkshire, lime burner, Aug. 8 at 11, District Court of Bankruptcy, Leeds, and. ac.; Aug. 11 at 11, div.—*Hodgson Stelling*, Well, Yorkshire, woolcomber, Aug. 8 at 11, District Court of Bankruptcy, Leeds, and. ac.—*Sam. Rhodes*, Bradford, Yorkshire, worsted spinner, Aug. 8 at 11, District Court of Bankruptcy, Leeds, and. ac.; Aug. 11 at 11, div.—*Hen. A. Rodgers*, Sheffield, Yorkshire, newsman, Aug. 7 at 10, Cutlers'-hall, Sheffield, and. ac.—*Joseph Owen and Sarah Owen*, Sheffield, Yorkshire, merchants, Aug. 7 at 10, Cutlers'-hall, Sheffield, and. ac.; at 11, div.—*Jacob Newton, John W. Newton, and Francis J. Newton*, Rotherham, Yorkshire, spirit merchants, Aug. 7 at 10, Cutlers'-hall, Sheffield, and. ac.; at 11, div.—*John A. M. Boden*, Sheffield, Yorkshire, razor manufacturer, Aug. 7 at 10, District Court of Bankruptcy, Sheffield, and. ac.; at 11, div.—*Thomas Feaver*, Ledgate-hill, London, mercer, Aug. 6 at 1, Court of Bankruptcy, London, fin. div.—*Wm. Cooper*, Bury St. Edmunds, Suffolk, hardwareman, Aug. 5 at 12, Court of Bankruptcy, London, div.—*Edward Arnatt*, Oxford, baker, Aug. 6 at half-past 1, Court of Bankruptcy, London, fin. div.—*John Bulmer*, Harrogate, Durham, merchant, Aug. 7 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, fin. div.—*Thos. B. Dast*, Birmingham, button maker, Aug. 5 at 12, District Court of Bankruptcy, Birmingham, div.—*Benj. Spencer*, Nottingham, baker, Aug. 7 at 10, District Court of Bankruptcy, Birmingham, div.—*John Clarke, Rich. Mitchell, Jos. Philips, and Thos. Smith*, Leicester, bankers, Aug. 7 at 11, District Court of Bankruptcy, Birmingham, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Wm. Cooper*, Bury St. Edmund's, Suffolk, hardwareman, Aug. 5 at 12, Court of Bankruptcy, London.—*Jos. Avery*, Manchester-street, Manchester-square, Middlesex, dealer in plate, Aug. 5 at 12, Court of Bankruptcy, London.—*John Geo. Ufford*, Holloway, Middlesex, common brewer, Aug. 5 at 1, Court of Bankruptcy, London.—*Richard Carile Copleton*, Cheltenham, Gloucestershire, tea dealer, Aug. 6 at 12, District Court of Bankruptcy, Bristol.—*Edmondson Cooban*, Liverpool, common brewer, Aug. 4 at 11, District Court of Bankruptcy, Liverpool.—*Wm. Kelly*, Chester, common brewer, Aug. 6 at 12, District Court of Bankruptcy, Liverpool.—*Wm. Edmond*, Bombay, East Indies, and *Thos. Edmond*, Liverpool, merchants, Aug. 6 at 12, District Court of Bankruptcy, Manchester.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Aug. 4.*

*John Harlow*, Leicester-square, Middlesex, tobaccoist.—*Sam. Mosley Wade*, Liverpool, cotton dealer.—*Wm. Thompson*, Cooper's-row, Crutched-friars, and Fowke's-buildings, Great Tower-st., London, wine merchant.—*John Barwise*, St. Martin's-lane, Middlesex, watch maker.—*Henry Fowkes*, Manchester, share broker.—*Jas. Knox*, Bond-st., Middlesex, carpenter.—*Edwin Robert Hall*, Colchester, Essex, iron-founder.—*Jos. Timmins*, Caynham, near Ludlow, Shropshire, brickmaker.—*Wm. Stearman*, Princes-st., Cadogan-street, Chelsea, Middlesex, carpenter.—*John Davies*, Shrewsbury, Shropshire, mercer.—*Chas. John Bond*, Tranquil-vale, Blackheath, Kent, tailor.—*Abraham Crossfield*, Whitechapel-road, Middlesex, and Highland's-farm, Comp, Leybourne, Kent, hop planter.

#### SCOTCH SEQUESTRATIONS.

*Wm. Robertson*, jun., Glasgow, merchant.—*Miss Isabella Renny*, Falkirk, deceased.—*Wm. Provan & Co.*, Glasgow, spirit merchants.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Andrew Anderson*, Baker's-row, Whitechapel-road, Middlesex, dealer in bread, July 27 at half-past 1, Court of Bankruptcy, London.—*T. Driver*, Morley, Yorkshire, cloth maker, July 22 at 11, District Court of Bankruptcy, Leeds.—*J. Garthwaite*, Low Fold-band, Yorkshire, mechanic, July 23 at 11, District Court of Bankruptcy, Leeds.—*Geo. Strickland*, Scarborough, Yorkshire, out of business, July 24 at 11, District Court of Bankruptcy, Leeds.—*Robert Elsworth*, Mount-Pellon, Halifax, Yorkshire, butcher, July 23 at 11, Commercial-buildings, Leeds.—*Jos. Walker*, Holbeck, Leeds, Yorkshire, bookkeeper, July 23 at 11, District Court of Bankruptcy, Leeds.—*Benj. Butterworth*, Sutton-in-Ashfield, Nottingham, assistant to a grocer, July 17 at 11, Cutlers'-hall, Sheffield.—*Joshua Booth*, New Mill, near Holmfirth, Yorkshire, innkeeper, July 24 at 11, Commercial-buildings, Leeds.—*Jas. Henry Clarke*, St. Andrew-road, Newington, Surrey, hatter, July 18 at half-past 1, Court of Bankruptcy, London.—*Sam. Gregory*, Altrincham, Cheshire, artist, July 21 at 12, District Court of Bankruptcy, Manchester.—*Cornelius Bartlett* the younger, Wells, Somersetshire, labourer, Aug. 3 at 1, District Court of Bankruptcy, Bristol.—*Moses Webster*, Derby, artist, Aug. 1 at 11, District Court of Bankruptcy, Birmingham.—*James Woolaston Butler*, Walton-on-the-Hill, Lancashire, out of business, July 21 at 11, District Court of Bankruptcy, Liverpool.—*George Barlow*, Manchester, baker, July 24 at 12, District Court of Bankruptcy, Manchester.—*Jas. Wood*, Shaw, near Oldham, Lancashire, bookkeeper, July 24 at 12, District Court of Bankruptcy, Manchester.—*Henry Allsworth*, Denton, Manchester, provision dealer, July 21 at 12, District Court of Bankruptcy, Manchester.—*Adelle Dumas*, Stockport-moor, near Stockport, Cheshire, keeper of a lodging-house, July 21 at 12, District Court of Bankruptcy, Manchester.

*Saturday, July 11.*

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*Aaron Rhodes*, Hanley, Staffordshire, farmer, No. 57,260 T.; *Samuel Boydell*, new assignee, in place of *John Peover*, deceased.—*Samuel Godbold*, Bloomsbury-square, Middlesex, medicine vender, No. 24,713 T.; *William James Barnham*, new assignee, in place of *Abel Sparrow Chappell*.—*John Roberts*, Barnoldswick, near Skipton, Yorkshire, farmer's assistant, No. 67,304 C.; *Samuel Haigh*, assignee.—*J. Skarp*, Horton, near Bradford, Yorkshire, machine maker, No. 67,331 C.; *John Tattershall* and *George Beecroft*, assignees.—*David Pendry*, Cwm, Llanegwad, Carmarthenshire, farmer, No. 67,485 C.; *James Thomas*, assignee.

*Saturday, July 11.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*William Ward*, Tottenham-street, Tottenham-court-road, Middlesex, smith: in the Debtors Prison for London and Middlesex.—*George Harrod*, Turnham-green, Middlesex, cheesemonger: in the Debtors Prison for London and Middlesex.—*John Lawrence* the younger, Queen-street, Edgeware-road, and Cork-street-mews, Bond-street, Middlesex, writing desk manufacturer: in the Debtors Prison for London and Middlesex.—*Robt. Hall*, Little York-place, Gloucester-place, Portman-square, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Edward Evans*, Curtain-road, Shoreditch, Middlesex, colourman: in the Debtors Prison for London and Middlesex.—*Wm. Sires*, Little Britain, Hillingdon, near Uxbridge, Middlesex, brick maker: in the Debtors Prison for London and Middlesex.—*George Ede*, Great Suffolk-street, Borough, Southwark, Surrey, out of business: in the Queen's Prison.—*T. Shortland Norton*, Park-st., Camden-town, Middlesex, carpenter: in the Debtors Prison for London and Middlesex.—*James Scott*, Tabernacle-walk, Finsbury,

Middlesex, commission agent: in the Debtors Prison for London and Middlesex.—*Thos. Lindray*, Thibberton-square, Islington, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Sam. Wilson*, Coal-yard, Drury-lane, Middlesex, wheelwright: in the Debtors Prison for London and Middlesex.—*Jacob Frankenstein*, Dowling-pl., Harleyford-road, Vauxhall, Surrey, and Fish-street-hill, London, shipping agent: in the Queen's Prison.—*Strickland Meggidge*, Paradise-terrace, Liverpool-road, Islington, Middlesex, wire drawer: in the Debtors Prison for London and Middlesex.—*Isabella Steer*, Sheffield, Yorkshire, provision agent: in York Castle.—*H. Doman Hitchcock*, Leicester, stainer: in the Gaol of Leicester.—*Harold Youngman*, Leamington Priors, Warwickshire, out of business: in the Gaol of Warwick.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Tuesday, July 28, at 9.*

*Philemon Price Ward*, Penton-place, Walworth, Surrey, clerk.—*John Tunbridge*, Salmon's-lane, Limehouse, Middlesex, baker.—*Stephen Reynolds*, Clerkenwell-close, Middlesex, grocer.—*Joseph Hale*, Bethnal-green-road, Middlesex, cheesemonger.—*John Brown*, Farmer-street, High-street, Shadwell, Middlesex, rigger.—*Arikar Beeston*, Bushy-heath, Herts, vocalist.—*G. Langridge Williams the elder*, New West-end, Hampstead, Middlesex, builder.

*July 29, at the same hour and place.*

*John Smith*, College-hill, London, out of business.—*Thos. Thorne*, Johnson-street, Somers'-town, Middlesex, porter at the London and Birmingham Railway Station, Euston-sq.—*H. Wilnot Furness*, Old Paradise-row, Islington-green, Middlesex, coal dealer.—*J. Drummond Baring*, Rupert-st., Haymarket, Middlesex, gentleman.—*J. Daly*, Starr-court, Newton-street, Holborn, Middlesex, boot maker.—*Jas. Augustus Lamb*, Tavistock-street, Covent-garden, Middlesex, commission agent for the sale of wine.—*Wm. Bestow*, Vernon-place, Bagnigge-wells-road, Clerkenwell, Middlesex, milliner.

*Court-house, STAFFORD, (County), July 29 at 10.*

*Henry Detheridge*, Brierley-hill, Kingswinford, joiner.—*Zachariah Davis the elder*, Goldthorn-hill, near Wolverhampton, miner.—*Thos. Timmins*, Walsall, saddle tree maker.

#### MEETING.

*Charles Palmer*, Erdington, Birmingham, lieutenant in the Warwickshire regiment of militia, on half-pay, July 29 at 11, Reece's, Birmingham, sp. aff.

### FRIDAY, JULY 17.

#### BANKRUPTS.

**DAVID KEMPTON**, Barmondsey-street, Surrey, bed and mattress manufacturer, dealer and chapman, July 28 at 2, and Aug. 28 at 1, Court of Bankruptcy, London: Off. As. Alsager; Sol. Wright, London-street, Fenchurch-street.—Fiat dated July 15.

**ROBERT HAYES EASUM**, Commercial-road East, Stepney, Middlesex, rope maker, dealer and chapman, July 24 at 2, and Aug. 28 at half-past 1, Court of Bankruptcy, London: Off. As. Whitmore; Sol. Church, Spital-square.—Fiat dated July 9.

**JOHN BENSTEAD**, Fleet-street, London, hoeler, dealer and chapman, (trading under the firm or style of Robert Johns & Co.), July 28 at half-past 1, and Aug. 28 at half-past 12, Court of Bankruptcy, London: Off. As. Alsager; Sols. Reed & Langford, Friday-street.—Fiat dated July 10.

**EDWARD HODGES**, Circus-street, New-road, St. Mary-le-bone, Middlesex, wine and brandy merchant, victualler, dealer and chapman, July 22 at 1, and Aug. 26 at 2, Court of Bankruptcy, London: Off. As. Belcher; Sol. Harper, Kennington-cross, Surrey.—Fiat dated July 14.

**WILLIAM HUNT**, High-street, Mary-le-bone, Middlesex, printer, stationer, dealer and chapman, July 24 and Sep. 1 at 11, Court of Bankruptcy, London: Off. As. Follett; Sols. Lawrence & Pews, Bucklersbury.—Fiat dated July 15.

**CHARLES WILLIAM GRAHAM**, King's Arms-yard, Coleman-street, London, merchant, (trading under the firm of Charles Graham & Co.), July 28 at 11, and Aug. 29 at 3, Court of Bankruptcy, London: Off. As. Green; Sol. Borradaile, King's Arms-yard.—Fiat dated July 14.

**EDWARD BOULT**, Isleworth, Middlesex, grocer and cheesemonger, July 29 and Aug. 26 at 1, Court of Bankruptcy, London: Off. As. Belcher; Sol. Doda, 102, St. Martin's-lane.—Fiat dated July 10.

**WILLIAM HENRY BROAD**, Stourport, Worcestershire, maltster, July 31 and Aug. 25 at 10, District Court of Bankruptcy, Birmingham: Off. As. Valpy; Sols. Watson, Stourport; Hodgson, Birmingham.—Fiat dated July 14.

**ROBERT COOK**, Gainsborough, Lincolnshire, surgeon and apothecary, Aug. 12 and 26 at 10, Town-hall, Kingston-upon-Hull: Off. As. Kynaston; Sols. Galloway, Hull; Bell, Bedford-row, London.—Fiat dated July 11.

**RICHARD HODSON**, Everton, Nottinghamshire, ironmonger, horse dealer, farmer, dealer and chapman, July 31 and Aug. 21 at 11, Cutler's-hall, Sheffield: Off. As. Freeman; Sols. Plaskitt, Gainsborough; Scott & Co., Lincoln's-inn-fields, London.—Fiat dated July 6.

**EDWARD HANKS**, Briggate, Leeds, Yorkshire, grocer and tea dealer, dealer and chapman, July 30 and Aug. 20 at 11, District Court of Bankruptcy, Leeds: Off. As. Young; Sols. Upton & Clapham, Leeds; Wignlesworth & Co., Gray's Inn, London.—Fiat dated July 3.

**JOHN SEATON**, Wink-house, Eriekley-cum-Clayton, Yorkshire, farmer, horse dealer, and dealer and chapman, July 30 and Aug. 20 at 11, District Court of Bankruptcy, Leeds: Off. As. Young; Sols. Sheardown, Doncaster, Yorkshire; Caries, Leeds; Mitten, Southampton-buildings, London.—Fiat dated July 11.

**ROBERT PRIESTLEY**, Manchester and Ardwick, Lancashire, grocer, flour dealer, and retailer of beer, dealer and chapman, July 28 and Aug. 18 at 12, District Court of Bankruptcy, Manchester: Off. As. Pott; Sols. Law, Manchester; Gregory & Co., Bedford-row, London.—Fiat dated July 2.

**JOSEPH LAWRENCE BUTLER**, Liverpool, coal merchant, dealer and chapman, July 27 and Aug. 18 at 11, District Court of Bankruptcy, Liverpool: Off. As. Bird; Sols. Matthews, Liverpool; Knightley & Co., Chancery-lane, London.—Fiat dated June 27.

#### MEETINGS.

*Edw. S. Harley*, Birmingham, grocer, Aug. 18 at 10, District Court of Bankruptcy, Birmingham, last ex.—*Den. Atrebus*, Andley, Staffordshire, apothecary, Aug. 4 at 10, District Court of Bankruptcy, Birmingham, last ex.—*Samuel Delhick* and *Thos. R. Kay*, Newton-heath, near Manchester, common brewers, July 28 at 12, District Court of Bankruptcy, Manchester, last ex.—*Randle Bower*, Heyrod and Black Rock-mills, near Stalybridge, Lancashire, cotton spinner, July 29 at 12, District Court of Bankruptcy, Manchester, last ex.—*Edw. H. Brice* and *Jas. Allen*, Mitre-court, Milk-st., Cheapside, London, warehousemen, July 31 at 11, Court of Bankruptcy, London, and ac.—*Jas. Meek* and *Geo. Gill*, Liverpool, merchants, Aug. 7 at 11, District Court of Bankruptcy, Liverpool, and ac.—*Hen. Delamain*, Liverpool, merchant, Aug. 7 at 11, District Court of Bankruptcy, Liverpool, and ac.—*Ben. Thomas*, Liverpool, merchant, Aug. 7 at 11, District Court of Bankruptcy, Liverpool, and ac.—*Thomas I. Hellawell*, James Northcliffe, and *John B. Hellawell*, Thornhill Briggs, Halifax, Yorkshire, dyers, Aug. 7 at 11, District Court of Bankruptcy, Leeds, and ac. and div.—*Jos. Woodhead* and *John Woodhead*, Bradford, Yorkshire, worsted stuff manufacturers, Aug. 8 at 11, District Court of Bankruptcy, Leeds, and ac.; Aug. 11 at 11, div.—*Wm. Chaloner*, Lincoln, tailor, Aug. 12 at 10, Town-hall, Kingston-upon-Hull, and ac.—*Henry West*, Burgh, Lincolnshire, grocer, Aug. 12 at 10, Town-hall, Kingston-upon-Hull, and ac. and div.—*Thomas Bougfield*, Lincoln, ironmonger, Aug. 12 at 10, Town-hall, Kingston-upon-Hull, and ac. and div.—*Rich. Lees*, Wolverhampton, Staffordshire, wholesale ironmonger, Aug. 11 at 11, District Court of Bankruptcy, Birmingham, and ac.—*Wm. Perry*, Wolverhampton, Staffordshire, iron founder, Aug. 15 at 12, District Court of Bankruptcy, Birmingham, and ac.; Aug. 20 at 12, div.—*Jos. Marriage* the younger, Moulsham, Chelmsford, Essex, miller, Aug. 10 at 1, Court of Bankruptcy, London, div.—*Chas. John Bond*, Tranquil-vale, Blackheath, Kent, tailor, Aug. 7 at half-past 1, Court of Bankruptcy, London, div.—*Thos. L. Evill* and *Thos. Downglass*, Vigo-st., Middlesex, cloth manufacturers, Aug. 10 at 12, Court of Bankruptcy, London, div.—*John Rees* and *John R. Rees*, Mark-lane, London, wine merchants, Aug. 8 at 2, Court of

Bankruptcy, London, div.—*Benj. Lawrence*, Crown-court, Old Broad-street, London, merchant, Aug. 11 at 12, Court of Bankruptcy, London, div.—*John Wright*, Tamworth, Staffordshire and Warwickshire, banker, Aug. 8 at 11, District Court of Bankruptcy, Birmingham, sud. ad. and div.—*Wm. Nelson*, Liverpool, Aug. 7 at 12, District Court of Bankruptcy, Liverpool, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on the Day of Meeting.*

*Joseph Miller*, Whittlebury-street, Hampstead-road, Middlesex, painter, Aug. 10 at half-past 11, Court of Bankruptcy, London.—*Edward Clark*, Mortimer-road, King'sland, Middlesex, builder, Aug. 10 at half-past 1, Court of Bankruptcy, London.—*Jos. Richard Holmes*, Poplar, Middlesex, brewer, Aug. 10 at 2, Court of Bankruptcy, London.—*J. White*, St. Benet's-place, Gracechurch-street, London, wine merchant, Aug. 7 at 11, Court of Bankruptcy, London.—*Jos. Taylor*, Liverpool, merchant, Aug. 11 at half-past 10, District Court of Bankruptcy, Liverpool.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Aug. 7.*

*Wm. Cross*, Weymouth, and Melcombe Regis, Dorsetshire, coal merchant.—*John Bacon*, York, carpenter.—*Sam. Shann*, Leeds, cloth finisher.—*Pryce Mottram*, Shrewsbury, Shropshire, draper.—*Thos. Harrison*, Birmingham, victualler.—*J. Blandell*, Wigan, Lancashire, pawnbroker.—*Chilbert Parker*, Liverpool, linendraper.—*Thos. Sutton* the younger, Atherton, Warwickshire, draper.—*Wm. Rich. Parsons*, Limehouse-causeway, Middlesex, baker.—*J. Howarth*, Rochdale, Lancashire, woollen manufacturer.—*Ed. Jos. Staples*, Bristol, surgeon.

#### FIATS ANNULLED.

*Ed. Weeks*, King's-road, Chelsea, Middlesex, hot-house builder.—*David Johnstone*, Chorlton-upon-Medlock, Manchester, joiner.

#### SCOTCH SEQUESTRATIONS.

*Wm. Pugh*, Edinburgh and Glasgow, chemist.—*W. Wilam*, St. Evox, Ayrshire, cattle dealer.—*Thos. Condie*, Cuckmann, grocer.—*James Reid*, Edinburgh, boot maker.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Frederick Tharratt*, Alfred-mews, Tottenham-court-road, Middlesex, carrier, Aug. 6 at 12, Court of Bankruptcy, London.—*Wm. Green*, Clare-court, Drury-lane, Middlesex, grocer, Aug. 6 at half-past 11, Court of Bankruptcy, London.—*John Revell*, Elizabeth-st., Fimlico, Middlesex, grocer, Aug. 6 at 12, Court of Bankruptcy, London.—*James Edson*, Hatfield Peveril, near Chelmsford, Essex, out of business, Aug. 3 at half-past 11, Court of Bankruptcy, London.—*Thos. Daintry*, Royston, Hertfordshire, clerk to the magistrates for the district of Odsey, Aug. 3 at half-past 11, Court of Bankruptcy, London.—*Henry Payne*, London-st., Fitzroy-square, Middlesex, commercial clerk, Aug. 6 at 12, Court of Bankruptcy, London.—*Samuel Jas. Pettit Warren Matthews*, Forest-row, King'sland, Middlesex, auctioneer, Aug. 6 at 11, Court of Bankruptcy, London.—*Daniel Kennedy*, Wells-st., Oxford-st., Middlesex, brass worker, July 30 at 12, Court of Bankruptcy, London.—*Wm. Scholes Johnson*, Colt-place, Commercial-road East, Middlesex, master mariner, July 30 at 11, Court of Bankruptcy, London.—*Stephen Gilbert*, Ipswich, Suffolk, butcher, July 27 at 1, Court of Bankruptcy, London.—*Robert Hannah* the elder, Wellington-place, Back-road, St. George's in the East, Middlesex, rigger, July 30 at 12, Court of Bankruptcy, London.—*Rich. Stear*, Lower Brook-st., Grosvenor-square, Middlesex, domestic servant, July 30 at 11, Court of Bankruptcy, London.—*Spencer Lake Nightingale*, Chesterton, Cambridgeshire, tailor, July 30 at 11, Court of Bankruptcy, London.—*George Jeffreys*, Northfleet, Kent, clerk, July 30 at 12, Court of Bankruptcy, London.—*Robert Horn*, Elvet-bridge, near Durham, publican, Aug. 7 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Merrick Jones*, Ragland, Monmouthshire, maltster, July 28 at 11, District Court of Bankruptcy,

Bristol.—*Mary Richards*, widow, Montpellier, Bristol, beer retailer, July 23 at 12, District Court of Bankruptcy, Bristol.—*William Morris*, Camborne, Cornwall, beer-shop keeper, Aug. 4 at 11, District Court of Bankruptcy, Exeter.—*Hugh Rattenbury*, Exeter, out of business, Aug. 4 at 11, District Court of Bankruptcy, Exeter.—*Wm. Sully the younger*, Bridgwater, Somersetshire, master builder, Aug. 4 at 11, District Court of Bankruptcy, Exeter.

Wednesday, July 15.

*Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*James Barber*, Coleman-street, and Fore-street, Cripple-gate, London, cloth worker: in the Debtors Prison for London and Middlesex.—*Jean Pierre Parent*, Abt-street, Piccadilly, Middlesex, tailor: in the Debtors Prison for London and Middlesex.—*John E. Stewart*, City-road, Middlesex, landscape painter: in the Debtors Prison for London and Middlesex.—*Charles Knapp*, Edgeware-road, Middlesex, furniture dealer: in the Debtors Prison for London and Middlesex.—*Samuel Markham*, Edmonton, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Christopher Rawlings*, Suffolk-street, Rotherfield-street, Lower-road, Islington, Middlesex, builder: in the Queen's Prison.—*John Jackson*, Canning-place, Kensington, Middlesex, clerk in the Admiralty, Whitehall: in the Queen's Prison.—*W. Thirkell*, Well-street, Hackney, Middlesex, farmer: in the Queen's Prison.—*John Shaw*, Tabernacle-square, Shoreditch, Middlesex, coachmaker: in the Debtors Prison for London and Middlesex.—*G. A. H. Manning*, Brompton, Middlesex, articled clerk to an attorney: in the Debtors Prison for London and Middlesex.—*John Hollingworth*, Kingston-upon-Hull, ship owner: in the Gaol of Kingston-upon-Hull.—*George Harris*, Cromer, Norfolk, plumber: in the Gaol of Norwich.—*Benj. Pearce*, Gulval, near Penzance, Cornwall, farmer: in the Gaol of Bodmin.—*Wm. Jose*, Leury, Cornwall, farmer: in the Gaol of Bodmin.—*Joseph Brook*, Hade-edge, near Holmfirth, Yorkshire, clothier: in York Castle.—*Wm. Dyson*, Chapel Allerton, near Leeds, Yorkshire, out of business: in York Castle.—*Henry Tennant*, Shrewsbury, Shropshire, butcher: in the Gaol of Shrewsbury.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Monday, Aug. 3, at 9.*

*Henry S. Butler*, Somers'-place East, New-road, Somers'-town, Middlesex, carpenter.—*Wm. Jas. Cockerill*, York-rd., Lambeth, Surrey, clerk to the London and Western Railway Company.—*Alexander Gordon*, Albany-road, Old Kent-road, Surrey, master mariner.—*G. M. Newman*, New-street-mews, Dorset-square, Middlesex, horse dealer.—*John Nicholls* the elder, Albert-place, Jamaica-lavel, Bermondsey, Surrey, out of business.—*Saml. L. Coleman*, Hereford-road, Westbourne-grove, Bayswater, Middlesex, town traveller.—*Wm. Dugdale*, Holywell-street, Wych-street, and Golden-buildings, Middlesex, printer.—*Pierre Louey*, Basing-lane, London, out of business.—*Jonathan Nash*, Fore-street, Limehouse, Middlesex, eating-house keeper.—*John Howlett*, Salmon's-lane, Limehouse, Middlesex, beer-shop keeper.—*Thomas Hardy*, Union-street, Spitalfields, Middlesex, broker.

*Court-house, LEWIS, Sussex, July 24, at 10.*

*Benj. Priddey*, Brighton, bricklayer.

*Court-house, WINCHESTER, Aug. 3, at 10.*

*Charles Savage* the younger, Tretton, Portsea, clerk to a builder.—*John Austin*, Christchurch, coachmaker.—*Edward Hangford*, Gosport, butcher.

*Court-house, SOUTHAMPTON, July 31, at 10.*

*George James*, Southampton, tailor.

*Court-house, SHREWSBURY, Shropshire, July 31, at 10.*

*Timothy Terry*, Birmingham, upholsterer.—*Wm. Brown*, Bridgnorth, butcher.

*Court-house, HARTFORD, July 31, at 10.*

*David Jones*, Barnett, baker.—*John Hunt*, Hadham Cross, Great Hadham, corn dealer.—*Jos. Clarke*, Great Hadham, farmer.



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tion which treats it as unlawful not to inform the judge of the state of the authorities, and as lawful to press his judgment upon those authorities, in a wrong direction. But the answer is, that the judge expects, and relies upon counsel for the information, and cannot, if he had a memory of forty-counsel power, be possessed of it at the very moment it is wanted, unless furnished with it by counsel; whereas he does not, in the least degree, rely upon counsel to assist him with inferences, and is, on the contrary, well aware, that, on that point, his express function is to weigh the reasonings of counsel, but to act upon his own.

## POINTS ON THE LAW AND PRACTICE OF INJUNCTIONS.

(Continued from p. 279).

### *Injunctions to restrain Proceedings at Law.*

Where the purchaser of premises from the sheriff, under a sale, in pursuance of an execution, obtained possession, but no assignment, so that he had not the legal title, and the question between him and the defendant was, whether the sale was regular or not, a question which would not be at all tried in ejectment, the defendant in equity was restrained from proceeding in ejectment against the purchaser of the premises, and liberty was given to the latter to take such proceedings at law as he might be advised, to try the legality of the sale, and to perfect his title at law. (*Jones v. Hughes*, 1 Hare, 383). So, where the allegation of the bill and affidavits were, that A., being indebted to B., B. in his lifetime desired A. not to return the money, but to hold it for C., and that B. never in his lifetime called upon A. to pay him, and, after B.'s death, his executor brought an action against A. for the debt, an injunction was granted to restrain the action, at the suit of the alleged cestui que trust, the money being brought into court, on the ground that the real question, which was, whether a trust was created by B. in favour of C., could not be tried in the action. (*M'Fadden v. Jenkins*, 1 Hare, 458).

Both these cases proceed on the principle, that equity will not suffer proceedings at law, where there is some equitable claim set up by the plaintiff in equity, which, owing to the forms of legal proceedings generally, or of the particular legal proceedings, cannot properly be tried in them. The following case is referrible to a different principle, viz. that equity will not suffer proceedings to be taken at law, where proceedings, in which full justice could be done, have already been taken in equity.

In the case referred to, an estate had been the subject of an administration suit, and had been fully administered, the executor having every opportunity of examining every charge upon the estate, and every particular constituting it; he was, on that ground, restrained from continuing actions, brought without the leave of the court, against persons parties to the suit, to recover property belonging to the testator. (*Oldfield v. Cobbett*, 6 Beav. 515. See also *Oldfield v. Cobbett*, 5 Beav. 132).

### *Injunctions to restrain Infringement of literary Rights.*

In a recent case, (*Campbell v. Scott*, 11 Sim. 31), which was a case of alleged infringement by printing whole passages from the plaintiff's book, the taking of the plaintiff's compositions by the defendant was admitted. The defence was, that the matter taken from the plaintiff was trivial in quantity, and that it was used by way of illustration, and could not injure the plaintiff's sale. The court thought it was not used merely by way of illustration, but formed part of the substratum

of the defendant's work; and, as to the question of damage, it was held, that where there was clearly injury, the damage was matter of which the plaintiff was to judge; and an injunction was granted.

It is clearly settled, and this is more on the ground of fraud than of invasion of a right of property, that a person will be restrained from putting forth a literary work in such manner as to delude the public into the notion that it is the work of another; and to this principle may be referred the case of *Sealey v. Fisher*, (11 Sim. 581), where an injunction was granted to restrain A. from putting forth his work under advertisements tending to produce the impression, contrary to the truth, that it contained matter which was, in fact, the property of B. But if there be no such fraudulent misrepresentation, but only statements which, whether true or false, tend merely to encourage a belief that the matter contained in A.'s work is the truly valuable matter, and that contained in B.'s is spurious and of no value, an injunction will not be granted to restrain such representations.

In *Palin v. Gathercole*, (1 Coll. 565), the point decided as to the right of the receiver of letters to publish them was this, that he will not be permitted to publish them for the purpose of representing to the public as true, that which he has, in legal proceedings upon that very question, admitted to be false. The circumstances of that case were these:—Palin, the plaintiff, had written to Gathercole, the defendant, who was the editor of a newspaper, certain letters, containing information respecting one Nokes, and Gathercole, from these letters, drew up an article which he published in his newspaper. Nokes brought an action against him for libel, and he compromised the action, paying Nokes costs, and apologising. Gathercole then claimed of Palin half the costs that he, Gathercole, had so incurred, and, Palin refusing to pay them, Gathercole published in his newspaper a statement that the libel upon Nokes was communicated to him, Gathercole, by Palin. Palin thereupon brought an action against Gathercole, and Gathercole pleaded that the matter, however libellous as between Nokes and Gathercole, was matter of which, as between Palin and Gathercole, Palin was the author; but, before trial, Gathercole submitted to what was in effect a general verdict, establishing in substance, as his Honor Knight Bruce, V. C., expressed it in his judgment, that the libel published by Gathercole of Nokes, was not a libel which Palin had communicated to Gathercole. Gathercole then proceeded to shew Palin's letters to third persons, upon which Palin filed his bill for an injunction to restrain Gathercole from publishing or shewing the letters, and obtained an ex parte injunction. The use which Gathercole desired to make of the letters was, it will be observed, to establish the fact that Palin was the author of the libel upon Nokes, the very fact which he had, by submitting to the general verdict in Palin's action, admitted not to exist. Under these circumstances the court refused to dissolve the injunction, permitting, however, the defendant to exhibit the letters to his solicitors and counsel in the cause.

### *Injunctions in Aid of specific Performance, and to restrain Breach of Trust and Confidence.*

A covenant by an articulated clerk to a solicitor, that he will not, during nor after the expiration of the term of his articles, be professionally concerned for any persons who had been, or should from time to time thereafter become, the master's clients, has been held recently not to be so far in restraint of trade as to prevent the court from granting an injunction to restrain the clerk, after the expiration of his articles, from acting for persons who had been clients of the master during the articles; and that although, by the terms of the agreement, the master might put an end to the period of the articles at

any time upon one week's notice. (*Nicholls v. Hutton*, 7 Beav. 42). An appeal was presented in this case, and a case at law directed; but whether anything further was done in it, the writer has been unable to ascertain. It may be thought that this case goes much further than any of the preceding cases upon agreements in restraint of trade, as, by the terms of the covenant, the defendant was restricted from being employed by any persons whatsoever who might at any time during the whole life of the covenantee become his clients,—whether the covenantor acquired his knowledge of them through his connexion with the covenantee, or not. In *Whittaker v. Howe*, (3 Beav. 383), where an injunction was also sustained for enforcing the performance of a covenant by Howe not to practice as a solicitor in Great Britain, although the circle within which the restriction was to operate was very large, the period was limited to twenty years. In that case, the defendants had sold their business of solicitors to the plaintiff, with a stipulation, that, after a certain period, neither of the defendants “should practise as solicitors or attorneys in any part of Great Britain for the space of twenty years, without the consent of Whittaker” (the plaintiff). Howe, one of the defendants, committed a breach of this agreement, by taking chambers near the original place of business that he had occupied, and making demonstrations of commencing practice; and Lord Langdale held the restraint, upon the authorities, not unreasonable, and granted an injunction restraining the defendant from practising in any part of Great Britain.

As it is a breach of a trust in a trustee to exercise any of the legal powers which he may have as such trustee, except for the legitimate purposes of the trust, a trustee attempting so to do may be restrained. Thus, where the indorsee of a bill indorsed to him, without consideration, for the purpose of recovering upon it against the acceptor, for the benefit of the drawer, attempted to bring an action upon it against the drawer, a demurrer to a bill for an injunction against his proceeding in the action was overruled. (*Balls v. Strutt*, 1 Hare, 140).

#### *Injunctions against Waste by Mortgagor in Possession.*

It is well settled, that a mortgagee is entitled to an injunction to restrain the mortgagor in possession from cutting timber, provided it is made to appear, on behalf of the plaintiff, that the land is an insufficient or scanty security without the timber. (*Hippesley v. Spencer*, 5 Madd. 422). But it is obvious, that, in the absence of authority, there might be as much doubt as to what is, in point of law, a scanty security, as upon any other question of mixed fact and law. In a recent case, however, a sort of rule was laid down as to what is meant by a sufficient security. It is not sufficient if the property is just equal to the mortgage debt and all expenses; but the proper question to be tried is, whether the property is sufficient in this sense, that the security is worth so much more than the money advanced, that the act of cutting timber is not to be considered as substantially impairing the value, which was the basis of the contract between the parties at the time it was entered into. (*King v. Smith*, 2 Hare, 239). The affidavit in support of such a motion should state enough of the facts shewing the value of the security to enable the court to judge for itself.

#### *Practical Points.*

If a motion for an injunction is ordered to stand over, with liberty to the plaintiff to bring an action, and the plaintiff does not proceed to bring any action, the defendant will be entitled to have the motion dismissed with costs. (*Perry v. Truett*, 6 Beav. 418).

Generally, an injunction ought to be served on the defendant personally, or on some person who, by an order of the court, has been substituted for him.

(*Gooseman v. Dann*, 10 Sim. 317). And where, before the Orders of 26th October, 1842, the clerk in court of the defendant was served, without order, with an injunction, it was held that that was not good service, because the clerk in court was only the agent of the party to receive notice of the proceedings in the cause; but an injunction is extraneous to the cause, and not a proceeding in it. But, if the plaintiff cannot succeed in serving it on the defendant, and the defendant's solicitor refuses to accept service, service will be ordered on the solicitor. (*Kirkman v. Honnor*, 6 Beav. 400).

The point decided in *The Earl of Chesterfield v. Bond* (2 Beav. 263) has been further settled by two later cases, *Roece v. Humble* (10 Sim. 117) and *Lord Harborough v. Warton*, (1 Phil. 364). The rule now is, that all motions of course may be made out of term as well as in term, on any day, whether a seal day or not.

C. S. D.

## Imperial Parliament.

### HOUSE OF COMMONS.

Wednesday, July 22.

CHARITABLE TRUSTS BILL.—Mr. Hume moved the order of the day for going into committee on this bill.

Sir G. Grey said, that, since the second reading of the bill, he had received several communications on the subject, which, though favourable to its principle, shewed an anxious wish to have a measure of a more general character introduced by the Government itself. As the Government were prepared to act on this general wish of the public, and as Parliament had already admitted its principle, which was that of the accountability of trustees of charitable trusts to Parliament, he did hope that his hon. friend would consent to postpone the bill to next session.

Mr. Hume said, that his object was, in one respect, gained, by the admission of the principle of accountability of trustees of charitable trusts to Parliament. He had received several communications on the subject of the bill, all admitting the good which it was calculated to do, but all pointing out how much further it might be carried. Under these circumstances, and as the Government had taken the matter into its own hands, and was prepared to bring in a much more comprehensive measure, he was willing to postpone it in the first instance to Wednesday next.

The committee on the bill was postponed for a week.

DEATH BY ACCIDENTS COMPENSATION BILL.—On the order of the day for going into committee on this bill,

Sir F. Thesiger said, he believed that his hon. friend who had the charge of this bill had never yet stated to the House the objects and various provisions of it, nor had anything passed upon it in another place beyond a few pleasantries which were bandied about by two noble and learned lords, as to the hopes of the one and the profits of the other. The bill involved a principle which deserved the serious attention of the House, and he trusted that the House would indulge him for a few moments, whilst he explained the view which he took of this bill, and the course he would suggest that his hon. friend should adopt under the circumstances. The House was, perhaps, aware of the state of the law upon this subject. Where a person received any injury arising out of the carelessness or negligence of another, he was entitled to maintain an action to recover damages; and if the person producing the injury was a servant, the action might be brought against the master. But, if death ensued from an accident, all persons were exempted from civil responsibility. Most unquestionably the distinction appeared to be very inconsistent and unreasonable, and he should be prepared to introduce a measure which would have the effect of relieving the law from the anomaly that existed in that respect. By the common law, a personal action died with the person; but statutes had been passed by which the executors and administrators of a deceased party were entitled to maintain an action for any damages which had arisen to his personal property, and in some instances to his real property. Now, he had no objection to continue and enlarge that principle, and to apply it to this particular act, and to say, that the executors or administrators of a person who had received an injury which had occasioned death should be entitled to

maintain an action, precisely in the same way as a person would have been entitled provided he had lived. According to the provisions of this bill, if the injury occasioning the death of a person only amounted to manslaughter, an action was maintainable by his executors or administrators; but why should they stop short and say, that, where the injury was manslaughter only, an action should be maintainable, but not where it was murder? Although it was desirable to remedy the inconsistency in the law, that, if a man received an injury for life, he might bring an action, but that an action could not be sustained against the party causing his death; yet the present bill did not seem to him at all calculated to remedy that particular case. He would suggest to his hon. friend who had charge of the bill to postpone it for the present.

The Attorney-General had considerable difficulty in adopting even the principle of the present bill, because it was new to the law of England. If the suggestion of his hon. and learned friend were adopted, the damages given for the support of the widow and children would become assets, and a part would go to the satisfaction of the creditors. That was not the case in Scotland, where the law had worked well. He concurred in the recommendation that the bill should be postponed for a time, so that it might be better matured.

Sir J. Graham felt some difficulty with respect to the measure, and he should be glad to know from the Lord-Advocate whether the practical working of the law in Scotland was satisfactory. The bill declared that "the party who should be liable should be the party causing the death." Now, in the mining districts of the north of England accidents sometimes occurred causing deaths to a frightful extent, every one of which could be traced to the neglect of some subordinate agents employed. It was, he believed, ascertained, that every case of fire-damp was caused by neglecting the free circulation of air, which depended on the constant attention of some ignorant and ill-paid servant. If they put the construction of "causing the death" upon the employer, let the House observe what would happen; eighty or ninety persons might, and sometimes did, lose their lives by these accidents. The owners of these collieries usually had several partners, each of whom would be answerable in damages on separate issues of the trial of eighty or ninety suits, not, perhaps, in many cases, commenced by widows or children, but by the next of kin, who might be living in the East or West Indies, and who had not really sustained any injury for which the owners of the mines should be liable to damages. He should like to know what had been the practical working, in Scotland, of the law which it was now proposed to adopt. If the difficulties which suggested themselves were not, in point of fact, found to exist in Scotland, that would be a strong recommendation in his mind in favour of the bill.

The Lord Advocate said the words "causing the death" would not alter the present liability. The next point was, who were the parties who were entitled to recover? He was not aware that there was any limitation in Scotland as to the degree of relationship which would justify an action in a case of personal injury or death; but a jury would not be likely to give damages at the instance of any very distant relation of a deceased person. He considered that the expression "next of kin," in this bill, was too indefinite, and that the relations entitled to recover damages should be directly specified. In Scotland, the apportionment of the damages among the relatives of the deceased was left to the jury, and he thought the same principle might be advantageously adopted in any measure on this subject which applied to England. In Scotland, however, suits of this nature could not be instituted for the relief of creditors of the deceased, and he would strongly protest against such a power being granted to creditors, either in this country or in Scotland.

Mr. Bowerie then postponed the further consideration of the bill, as well as of the Deodands Abolition Bill, till Monday next.

**MEMBER RETURNED TO SERVE IN PARLIAMENT.**—William Brown, Esq., of Liverpool, for the county of Lancaster, (southern division), in the room of Francis Egerton, (commonly called Lord Francis Egerton), now Earl of Ellesmere, called up to the House of Peers.

In our last Number (p. 279), the christian name of Mr. Humphry, recently appointed one of the Queen's Counsel, should have been "Joseph," not "Jamea."

## London Gazetteers.

TUESDAY, JULY 21.

### INSOLVENT.

JOHN CAINES, Chilton Catelo, Somersetshire, farmer.

### BANKRUPTS.

CHARLES PULLMAN, Strand, Westminster, hosier, dealer and chapman, July 31 at 12, and Sept. 4 at 11, Court of Bankruptcy, London: Off. Ass. Alsager; Sols. Reed & Langford, Friday-st.—Fiat dated July 17.

SAMUEL WARD, Lillypot-lane, London, lasting and shalloon manufacturer, dealer and chapman, July 28 at half-past 11, and Sept. 2 at 11, Court of Bankruptcy, London: Off. Ass. Peunell; Sol. Smith, 9, Barnard's Inn, Holborn.—Fiat dated July 16.

WILLIAM GREEN, Dorset-place, Dorset-square, Middlesex, boarding-house keeper, dealer and chapman, July 31 at 11, and Sept. 1 at half-past 11, Court of Bankruptcy, London: Off. Ass. Green; Sols. Lawrence & Pews, Old Jewry-chambers.—Fiat dated July 17.

ISAAC BRYANT, Victoria-grove, Stoke Newington, Middlesex, builder, dealer and chapman, July 31 at 12, and Sept. 1 at half-past 11, Court of Bankruptcy, London: Off. Ass. Follett; Sols. C. J. & A. Jenkinson, Cannon-st.—Fiat dated July 8.

ALEXANDER ALEXANDER and JOHN ALEXANDER, Exeter, opticians and mathematical instrument makers, Aug. 5 and Sept. 2 at 11, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzell; Sols. Turner, Exeter; Spyer, Broad-street-buildings, London.—Fiat dated July 17.

JOHN TAYLOR, Hollinwood, near Oldham, Lancashire, and Manchester, rope manufacturer and slate merchant, dealer and chapman, Aug. 6 and 27 at 11, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Pollard, Manchester; Johnson & Co., King's-bench-walk, Temple, London.—Fiat dated July 11.

JOHN STENDALL, Hucknall-under-Huthwaite, Nottinghamshire, baker, July 31 and Aug. 21 at 11, District Court of Bankruptcy, Sheffield: Off. Ass. Freeman; Sols. Freeth & Co., Nottingham; Freeth & Co., Lincoln's-inn-fields, London.—Fiat dated July 14.

WILLIAM HOLDSWORTH, Ripley, Yorkshire, apothecary, Aug. 1 and 24 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Stewart, Horbury, near Wakefield; Cariss, Leeds; Sudlow & Co., Chancery-lane, London.—Fiat dated July 14.

WILLIAM WOOD, Shrewsbury, Shropshire, wine and spirit merchant, dealer and chapman, Aug. 5 and 29 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sol. Smith, Birmingham.—Fiat dated July 15.

### MEETINGS.

William L. Prattman, Butter Knowle-lodge, and Michael Forster, Copley, Durham, timber merchants, Aug. 11 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, pr. d.—James Evans, Haywood-lodge, Herefordshire, cattle dealer, Aug. 5 at 12, District Court of Bankruptcy, Birmingham, ch. ass.—Anthony Birch, Birmingham, grocer, Aug. 18 at 10, District Court of Bankruptcy, Birmingham, last ex.—Geo. Barton and John Barton, Manchester, copper roller manufacturers, July 29 at 11, District Court of Bankruptcy, Manchester, last ex.—John Godfrey, Midsomer Norton, Somersetshire, linendraper, Aug. 13 at 12, District Court of Bankruptcy, Bristol, aud. ac.—Ryce Davies, Abercarne, Monmouthshire, grocer, Aug. 13 at 12, District Court of Bankruptcy, Bristol, aud. ac.; Aug. 14 at 11, div.—Benjamin Bensley, Poolholm, Monmouthshire, out of business, Aug. 13 at 12, District Court of Bankruptcy, Bristol, aud. ac.—John Crabtree and Wm. Burnley, Tunstead, Forest of Rossendale, Lancashire, woollen manufacturers, Aug. 13 at 12, District Court of Bankruptcy, Manchester, aud. ac.—John Prior and Henry Brady, Kingston-upon-Hull, brush manufacturers, Aug. 12 at 10, Town-hall, Kingston-upon-Hull, aud. ac.; Aug. 10 at 12, div.—William Batty, Kingston-upon-Hull, carrier, Aug. 12 at 10, Town-hall, Kingston-upon-Hull, aud. ac.—H. Morgan Godwin and Charles Lee, Bishopsgate-street Within, London, shipowners, Aug. 14 at 12, Court of Bankruptcy, London, div.—Wm. Best and John Snowden, Southampton, printers, Aug. 14 at half-past 11, Court of

Bankruptcy, London, div.—*Wm. Mensies*, Gloucester, draper, Aug. 13 at 12, District Court of Bankruptcy, Bristol, div.—*Thos. Gales*, *Wm. John Guest*, *J. Forster Naisby*, and *Matthew Kirtley*, Hylton, Durham, shipbuilders, Aug. 13 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne, fin. div.—*John Creditree* and *Wm. Burnley*, Tunstead, Rosendale, Lancashire, woollen manufacturers, Aug. 14 at 1, District Court of Bankruptcy, Manchester, fin. div. joint est.; Aug. 14 at 11, fin. div. sep. est.—*Thos. Marrian*, Sheffield, Yorkshire, common brewer, Aug. 14 at 11, Cutler's-hall, Sheffield, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on the Day of Meeting.*

*William Sheffield* and *John Sheffield*, Lower Acton-place, Bagnigge-wells-road, Middlesex, grocers, Aug. 13 at 2, Court of Bankruptcy, London.—*J. Roger Howard*, Mount Pleasant, Rhydney, Llanguinder, Brecon, commission agent, Aug. 17 at 11, District Court of Bankruptcy, Bristol.—*Sam. Allen Bull*, Frome Selwood, Somersetshire, dyer, Aug. 17 at 12, District Court of Bankruptcy, Bristol.—*Richard Gatehouse*, *Richard Derch*, and *Gaistrill Wilkins*, Lisson-street, Middlesex, timber merchants, Aug. 11 at half-past 11, Court of Bankruptcy, London.—*Matthew Chapman*, Devonport, painter, Aug. 18 at 11, District Court of Bankruptcy, Exeter.—*Wm. Baldock*, Nottingham, grocer, Aug. 14 at 10, District Court of Bankruptcy, Birmingham.—*Wm. Mallet*, Chorlton-upon-Medlock, Manchester, milliner, Aug. 13 at 12, District Court of Bankruptcy, Manchester.—*Sam. Hill*, Bolton-le-Moors, Lancashire, boiler maker, Aug. 12 at 12, District Court of Bankruptcy, Manchester.—*James Wilkinson*, Manchester, grocer, Aug. 18 at 12, District Court of Bankruptcy, Manchester.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before Aug. 11.*

*Thomas Clay*, Longroyd-bridge, Huddersfield, Yorkshire, merchant.—*John Godfrey*, Midsummer Norton, Somersetshire, linen-draper.—*Cornelius Brady*, Aston nigh Birmingham, commission agent.—*George Whitfield*, Nottingham, lemonade manufacturer.—*Henry Walters*, Bristol, licensed victualler.

#### FIATS ANNULLED.

*David Thomas*, Narbeth, Pembrokeshire, corn merchant.—*Herman Julius Marcus* and *John Naylor*, Leeds, Yorkshire, sharebrokers.

#### SCOTCH SEQUESTRATIONS.

*David Thomson*, Paisley, manufacturer.—*Evan Macpherson*, Kingussie, merchant.—*Robt. Lockhart*, Glasgow, postmaster.—*Ch. McCance*, Glasgow, ironmonger.—*T. Cochran*, Edinburgh, laceman.—*Andrew Graham*, Hawick, merchant.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Wm. Dawnock*, Wyndham, Norfolk, blacksmith, July 23 at 1, Court of Bankruptcy, London.—*John Holstead*, Hampstead-road, St. Pancras, Middlesex, tailor, July 23 at 1, Court of Bankruptcy, London.—*Richard Sanderson*, Cambridge, carpenter, July 25 at 3, Court of Bankruptcy, London.—*Ed. Frank Chas. Mainwaring*, Kingsland-road, Middlesex, medical student, July 23 at half-past 1, Court of Bankruptcy, London.—*Rich. Coney*, Pickering-place, Bayswater, Middlesex, stone mason, July 23 at 11, Court of Bankruptcy, London.—*Ed. Skelton*, Norwich, tailor, July 25 at half-past 2, Court of Bankruptcy, London.—*John Appleby Pritchard*, Little Hampton, Sussex, commander of her Majesty's revenue cruiser *Cameleon*, July 25 at 3, Court of Bankruptcy, London.—*Wm. Milner*, Clifton-st., Finsbury, Middlesex, lead merchant, July 29 at half-past 10, Court of Bankruptcy, London.—*Thos. Smith* the younger, Bermondsey-square, Surrey, agent, July 30 at 12, Court of Bankruptcy, London.—*Wm. Howlett*, Morland-terrace, Holloway-road, Islington, Middlesex, foreman to a builder, July 29 at half-past 10, Court of Bankruptcy, London.—*Washington Farroll*, Union-place, New-road, Middlesex, tailor, July 29 at half-past 10, Court of Bankruptcy, London.—*Geo. Hallett*, Southampton, linen draper, July 30 at 12, Court of Bankruptcy, London.—*Robert Burgess*, Gardener's-lane, King-street, Westminster, Middlesex, steeple-keeper of Westminster Abbey, July 30 at 12, Court of Bankruptcy, London.—*Thos.*

*Ed. Rowley*, Upper Islington-terrace, St. Mary's, Islington, Middlesex, assistant to a warehouseman, July 29 at half-past 10, Court of Bankruptcy, London.—*Thos. Brookes*, Manchester, assistant overseer of the Chorlton Union, July 30 at 12, District Court of Bankruptcy, Manchester.—*Wm. Bury*, Blackburn, Lancashire, out of business, July 28 at 12, District Court of Bankruptcy, Manchester.—*Wm. Withers* the younger, Lawrence-hill, St. George's, Gloucestershire, horse dealer, Aug. 17 at 11, District Court of Bankruptcy, Bristol.—*Sam. Hargreave*, Holbeck, near Leeds, Yorkshire, cloth maker, July 31 at 11, District Court of Bankruptcy, Leeds.—*Wm. Iredale*, East-parade, Howarth-road, York, out of business, July 31 at 11, District Court of Bankruptcy, Leeds.—*Chas. Broomhead*, Sheffield, Yorkshire, brewer's labourer, July 24 at 11, Cutlers'-hall, Sheffield.—*John Hague*, Portmahon, Sheffield, Yorkshire, pocket blade forger, July 24 at 11, Cutlers'-hall, Sheffield.—*Geo. Willday*, Gloucester, merchant, July 24 at 11, District Court of Bankruptcy, Bristol.—*John Robinson*, Radford, Nottingham, lace maker, July 24 at 11, Cutlers'-hall, Sheffield.—*John Size*, Liverpool, book-keeper, July 28 at 11, District Court of Bankruptcy, Liverpool.—*Henry Jacob*, Liverpool, commission agent, July 27 at 11, District Court of Bankruptcy, Liverpool.—*Benjamin Holmes*, St. Cuthbert, Carlisle, Cumberland, innkeeper, Aug. 13 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Robert Green*, Cheetham, Manchester, sawyer, July 29 at 12, District Court of Bankruptcy, Manchester.—*Francis Payne Govier*, Ruishton, near Taunton, Somersetshire, wheelwright, Aug. 6 at 1, District Court of Bankruptcy, Exeter.—*Geo. Madders*, Manchester, gas fitter, Aug. 7 at 12, District Court of Bankruptcy, Manchester.—*Charles Webb*, Hazelgrove, near Stockport, Cheshire, grocer, July 29 at 12, District Court of Bankruptcy, Manchester.—*John Henry Dew*, King William-st., Strand, Middlesex, accountant, July 23 at 11, Court of Bankruptcy, London.

*Saturday, July 18.*

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*Henry J. O'Callaghan*, Great James-street, Lisson-grove, Middlesex, lieutenant in the navy, No. 12,410 T.; *Samuel Sturgis*, gentleman, new assignee, in place of George Kenning, deceased.—*James E. Whittenbury*, Pump-court, Union-st., Southwark, Surrey, carpet manufacturer, No. 34,975 T.; *S. Unwin*, new assignee, in place of A. Wilkinson and W. Horn, deceased.—*Joyce Payne*, Englefield-green, Egham, Surrey, widow, No. 58,140 T.; *Thomas Flight*, assignee.—*John P. Knight*, Compton-street, Brunswick-square, Middlesex, assistant to an egg merchant, No. 58,165 T.; *William James*, assignee.—*John Hicks*, Wormwood-street, Bishopsgate-st., London, chimney sweeper, No. 58,207 T.; *John Chisholme*, assignee.—*Wm. Watson*, Torquay, Devonshire, painter, No. 67,066 C.; *Joseph Rowson* and *Henry Drew*, assignees.—*R. Clarke*, Hollinwood, near Manchester, greengrocer, No. 67,135 C.; *Isaac Gaskarth*, assignee.—*Hezekiah Everett*, Bradfield, Essex, grocer, No. 67,146 C.; *Saml. Wainwright*, assignee.—*Jabez Oldroyd*, Heckmondwike, near Leeds, Yorkshire, stonemason, No. 67,166 C.; *Matthew Hale*, assignee.—*James Crawshaw*, Turton, near Bolton-le-Moors, Lancashire, farmer, No. 67,325 C.; *James Winder*, assignee.—*Henry W. Alger*, Ashton-under-Lyne, Lancashire, veterinary surgeon, No. 67,341 C.; *John Kirk*, assignee.—*James Brabyn*, Llanelly, Carmarthenshire, shopkeeper, No. 67,387 C.; *George Jones Webb*, assignee.—*Ellen Bolton*, Thornley, near Longridge, Lancashire, licensed victualler, No. 67,407 C.; *Edward Sidegreaves*, assignee.—*Edmund Miller*, Halesworth, Suffolk, carpenter, No. 67,419 C.; *Robert Thompson* and *Francis Butcher*, assignees.—*Wm. Griffin*, Hastings, Sussex, baker, No. 67,467 C.; *Daniel White*, assignee.—*Richard Jennings*, South Shields, Durham, sheriff's officer, No. 67,479 C.; *W. Cook*, assignee.—*John Moorhouse*, Rawtenstall, near Haslingden, Lancashire, brassfounder, No. 67,497 C.; *John Fisher Moore*, assignee.

*Saturday, July 18.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Wm. Brett*, Wellington-place, Newington Butts, Surrey, agent for the sale of horses: in the Queen's Prison.—*Augus-*



*an Henry Kerehner*, Triangle, Southampton-street, Camberwell, Surrey, manager of the business of a confectioner: in the Queen's Prison.—*Denis Hude*, Milton-street, Cripplegate, London, plumber: in the Debtors Prison for London and Middlesex.—*Richard Bullock*, Rayton of the Eleven Towns, Shropshire, shopkeeper: in the Gaol of Shrewsbury.—*Edwin H. Fuller*, Worthing, and Brighton, Sussex, leather seller: in the Gaol of Petworth.—*Wm. Sellers*, Oldham, Lancashire, licensed blanket hawker: in the Gaol of Lancaster.—*George F. Dolphin*, Peckingham, Worcestershire, out of business: in the Gaol of Worcester.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Tuesday, Aug. 4, at 9.*

*Joseph Lerdin*, Old Compton-street, Middlesex, in no business.—*Harriett Sophia Thomas*, Paltency-street, Barnsbury-park, Islington, Middlesex, widow, in no business.—*J. D. Lyon*, Catherine-street, Finsbury, Middlesex, out of business.—*James Potter*, High Holborn, Middlesex, tailor.—*S. Mugeridge*, Paradise-terrace, Liverpool-road, Islington, Middlesex, wire drawer.—*Thomas Read*, Blenheim-street, Oxford-street, and Norland-terrace, Notting-hill, Bayswater, Middlesex, general commission agent.—*Solomon Biles*, Gattin, near Reigate, Surrey, blacksmith.—*Robert Lydall*, London-street, Chalk-road, Islington, Middlesex, out of business.—*George Brown*, Jernyn-street, St. James's, Westminster, Middlesex, tailor.—*Samuel Wilson*, Coal-yard, Drury-lane, Middlesex, wheelwright.

*Aug. 6, at the same hour and place.*

*Thomas John Leggett*, East-street, Lambeth-walk, Surrey, beer retailer.—*James Quarmby*, Flask-row, Ebury-sq., Middlesex, stone mason.—*James White*, Port-street, Walworth-common, Walworth, Surrey, superannuated tide surveyor in the Customs.—*Edward Evans*, Curtain-road, Shoreditch, Middlesex, plumber.—*Jonathan Johnson*, King-street, Golden-square, Middlesex, billiard table keeper.—*Thomas Lindsey*, Tibberton-square, Islington, Middlesex, currier.—*Jean Pierre Parent*, Air-street, Piccadilly, Middlesex, tailor.—*Christiana Walters*, widow, Minra-street, Piccadilly, Middlesex, out of business.—*Walter Banfield*, Richmond-grove, Barnsbury-road, Islington, Middlesex, tailor.—*John D. R. Mitchell*, Caroline-place, City-road, Middlesex, beer retailer.—*Charles Knapp*, Edgware-road, Middlesex, furniture dealer.—*Edward Ground*, Fellow-street, Haggerstone, Middlesex, out of employ.—*John Thomas Austin*, Cromer-street, Judd-street, Middlesex, fringe maker.—*Thomas Grant*, Reigate, Surrey, beer retailer.—*John McEwen*, Queen's-road, Notting-hill, carpenter.—*Wm. Ward*, Tottenham-street, Middlesex, smith.—*Michael Goodale*, Rutland-terrace, Hornsey New-road, Holloway, Middlesex, builder.—*Henry Greltier*, Horace-street, Wandsworth-road, Surrey, bookbinder.—*John Wyld*, Charles-court, Strand, Middlesex, out of business.

## FRIDAY, JULY 24.

### BANKRUPTS.

**JAMES GERRY**, Gilbert-st., Oxford-st., Middlesex, builder, July 31 at half-past 12, and Sept. 4 at half-past 11, Court of Bankruptcy, London: Off. Ass. Alsager; Sols. Watson & Sons, Bouverie-st., Fleet-st.—Fiat dated July 17.

**EDWARD CAWDELL**, Kingston-upon-Hull, dealer in toys and hardware, dealer and chapman, Aug. 4 at 11, and Sept. 4 at half-past 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Goddard, King-street, Cheapside.—Fiat dated July 17.

**PAUL GARBANATI**, Newman-street, Oxford-street, Middlesex, carver and gilder and picture-frame manufacturer, July 31 at 2, and Sept. 2 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Pocock & Marston, 10, Norfolk-st., Strand.—Fiat dated July 20.

**THOMAS KNIGHT**, Minories, London, draper, dealer and chapman, July 31 at half-past 2, and Sept. 2 at 1, Court of Bankruptcy, London: Off. Ass. Belcher; Sols. Sole & Turner, Aldermanbury.—Fiat dated July 20.

**FRANCIS SYDER**, Fakenham, Norfolk, Wells, near Fakenham, and Hitchin, Hertfordshire, grocer, draper, clothier, dealer and chapman, July 31 at 2, and Sept. 12 at 2, Court of Bankruptcy, London: Off. Ass. Follett; Sols. Lawrence & Plews, 14, Old Jewry-chambers.—Fiat dated July 23.

**HENRY MAYHEW**, Shrubbery, Parson's-green, Fulham, Middlesex, newspaper proprietor, printer, dealer and chapman, July 31 at 11, and Sept. 1 at 12, Court of Bankruptcy, London: Off. Ass. Follett; Sol. Bernard, 3, South-square, Gray's Inn.—Fiat dated July 16.

**WILLIAM CAMPION EATON**, Upper Thames-street, London, flour wharfinger, flour dealer, and flour factor, dealer and chapman, July 31 and Sept. 12 at 1, Court of Bankruptcy, London: Off. Ass. Green; Sol. Buchanan, Basinghall-street.—Fiat dated July 21.

**THOMAS TOUT**, Ashburton, Devonshire, grocer and draper, Aug. 5 and Sept. 2 at 11, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzell; Sols. Windeatt, Totnes; Terrill, Exeter; Taunton, 3, South-square, Gray's Inn.—Fiat dated July 13.

**EDWIN LILLEY**, Kingston-upon-Hull, timber merchant, (trading under the firm of Edwin Lilley & Co.), Aug. 5 and 26 at 10, Town-hall, Kingston-upon-Hull: Off. Ass. Kynaston; Sols. Richardson & Lee, Hull; Llewellyn, Noble-street, London.—Fiat dated July 13.

**ROBERT NEWTON**, Fleet, Lincolnshire, cattle dealer, dealer and chapman, Aug. 8 and 29 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Griffiths, Birmingham; Hopkinson & Co., Boston, Lincolnshire.—Fiat dated July 13.

**WILLIAM WILLIAMS**, Watton, St. Mary, Brecon, victualler, Aug. 13 and Sept. 4 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sols. Peters & Abbotts, Bristol; Jones & Co., Crosby-square, London.—Fiat dated July 21.

**WILLIAM WREFORD**, **EDWIN COX NICHOLLS**, and **WILLIAM ELLICOMBE WREFORD**, Bristol, stock and share brokers, (now or lately trading in co-partnership, under the several styles or firms of Wreford, Nicholls, & Wreford; Wreford, Nicholls, & Co., and Nicholls, Wreford, & Co., as stock and share brokers), Aug. 10 and Sept. 7 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sols. Savery & Co., Bristol.—Fiat dated July 15.

### MEETINGS.

*Chas. Fred. Carne and Maurice Telo*, Liverpool, merchants, Aug. 6 at 12, District Court of Bankruptcy, Liverpool, last ex.—*Patrick Hare*, Liverpool, tallow chandler, Aug. 4 at 11, District Court of Bankruptcy, Liverpool, last ex.—*H. Williams*, Llanrwst, Denbighshire, apothecary, Aug. 7 at 12, District Court of Bankruptcy, Liverpool, last ex.—*John Sims*, Tollard Royal, Wiltshire, wheelwright, Aug. 14 at half-past 1, Court of Bankruptcy, London, aud. ac.—*Rich. Galehouse*, *R. Darch*, and *Gatrill Wilkins*, Upper Lisson-st., Middlesex, timber merchants, Aug. 14 at half-past 11, Court of Bankruptcy, London, aud. ac.—*Jos. Salmon*, Beaumont, Essex, carpenter, Aug. 18 at 11, Court of Bankruptcy, London, aud. ac.—*John Burgh Crampers*, Wharf-road, City-basin, City-road, Middlesex, coal merchant, Aug. 18 at 11, Court of Bankruptcy, London, aud. ac.—*John Pace and Henry Pace*, St. Michael's-alley, Cornhill, London, general merchants, Aug. 18 at 12, Court of Bankruptcy, London, aud. ac.—*Jos. Weston*, Bishopsgate-st. Within, London, hatter, Aug. 18 at 1, Court of Bankruptcy, London, aud. ac.—*Wm. Smith Bickley*, Bilston, Staffordshire, dealer in iron, Aug. 15 at 12, District Court of Bankruptcy, Birmingham, aud. ac.—*Alex. Macdonald*, Leadenhall-st., London, merchant, Aug. 15 at 2, Court of Bankruptcy, London, div.—*Rich. Bulmer and Jos. Bulmer*, South Shields, Durham, ship builders, Aug. 18 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. div.—*Thos. Fisher*, Selby, Yorkshire, linendrapery, Aug. 20 at 11, District Court of Bankruptcy, Leeds, div.

### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*John Browne*, King's-cross, Middlesex, saddler, Aug. 14 at 11, Court of Bankruptcy, London.—*Thos. Roberts and John Tidcombe Hazard*, College-hill, London, paper agents, Aug. 17 at 12, Court of Bankruptcy, London.—*Joseph Thorley*, Newman-st., Oxford-street, Middlesex, cabinet maker, Aug. 15 at 1, Court of Bankruptcy, London.—*James Cross*, Crooked-lane, London, and Stamford-bridge, Fulham, Middlesex, maltster, Aug. 18 at 2, Court of Bankruptcy, London.—*Rich. Mills and George Puckle*, Southwark, and Corn Exchange, Mark-lane, London, hop factors, Aug. 18 at 3,



Court of Bankruptcy, London.—*Ch. Pulling*, Hay's-wharf, Tooley-street, and Trinity-square, Southwark, Surrey, potatoe salesman, Aug. 18 at 1, Court of Bankruptcy, London.—*J. Burgh Crampers*, Wharf-road, City-basin, City-road, Middlesex, coal merchant, Aug. 18 at 11, Court of Bankruptcy, London.—*Henry Harris*, Leman-street, Goodman's-fields, Middlesex, teacher of the Jews' Orphan Asylum, Aug. 18 at 12, Court of Bankruptcy, London.—*H. Pace*, St. Michael's-alley, Cornhill, London, general merchant, Aug. 18 at 12, Court of Bankruptcy, London.—*Rich. Marsden*, Brynmawr, Brecknock, linendraper, Aug. 25 at 12, District Court of Bankruptcy, Bristol.—*J. Greaves Smith*, Liverpool, grocer, Aug. 25 at 11, District Court of Bankruptcy, Liverpool.—*D. Clark*, Liverpool, leather dealer, Aug. 25 at 12, District Court of Bankruptcy, Liverpool.—*Ralph Buckley*, Dobcross-lane, within Saddleworth, Yorkshire, woollen cloth manufacturer, Aug. 20 at 11, District Court of Bankruptcy, Leeds.—*John Smith*, Stratford-upon-Avon, Warwickshire, grocer, Aug. 15 at 12, District Court of Bankruptcy, Birmingham.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before Aug. 14.

*John Ross* and *Enoch Burton*, Newcastle-upon-Tyne, flour dealers.—*Alfred Lock*, Stockbridge-terrace, Pimlico, Middlesex, saddler.—*George Leather* and *Ch. Wetherall Wardle*, Holbeck, Leeds, Yorkshire, earthenware manufacturers.—*John Sanderson*, Liverpool, wine merchant.—*Henry Hall*, Snaresmouth, Greystead, Northumberland, cattle dealer.—*J. Bridgwood*, Forebridge, Castle Church, Staffordshire, butcher.—*J. John Hance*, Liverpool, broker.—*Mark Markwick*, Harpur-street, Red Lion-square, Middlesex, builder.—*S. Pritchett*, Charbury, Oxfordshire, glove manufacturer.—*Charles Draper*, Bishopsgate-street Without, London, licensed victualler.—*A. Birchall*, Manchester, share broker.—*James Walker* and *B. Williamson*, Leeds, Yorkshire, share brokers.

#### PARTNERSHIP DISSOLVED.

*Robt. Henry Jones* and *W. M. Dinsey*, Weymouth-street, Portland-place, Middlesex, attornies and solicitors.

#### SCOTCH SEQUESTRATIONS.

*James Buchanan*, Barnellan, Stirlingshire, farmer.—*David Smith*, Witchknow, Dundee, wright.—*James Reid*, Rawyards, Lanarkshire, ironstone contractor.—*Jos. M'Gregor*, deceased, Edinburgh, accountant.—*A. Drummond*, Glasgow, woollen merchant.

#### INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

*George Parsons*, Sylvan-grove, Old Kent-road, Surrey, attorney, Aug. 3 at 1, Court of Bankruptcy, London.—*George Broadbent*, Castleton, Derbyshire, lead miner, Aug. 5 at 12, District Court of Bankruptcy, Manchester.—*James Barrett*, Bedminster, Bristol, baker, July 31 at half-past 12, District Court of Bankruptcy, Bristol.—*George Wilkey*, Gloucester, clerk in the Bristol and Birmingham Railway, July 31 at 1, District Court of Bankruptcy, Bristol.

Wednesday, July 22.

Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—

(On their own Petitions).

*Chas. Thos. Kilner*, Prebend-st., Camden-town, Middlesex, out of business: in the Gaol of Surrey.—*John Fry*, South-street, Sloane-sq., Middlesex, cheesemonger: in the Queen's Prison.—*Wm. Wilks*, Manor-st., Chelsea, Middlesex, agent for the sale of coals: in the Queen's Prison.—*Sam. Messent*, Ratcliff-highway East, Middlesex, oil and colour man: in the Debtors Prison for London and Middlesex.—*John Cuthbert*, Middle-row, Knightsbridge, Middlesex, tobacconist: in the Debtors Prison for London and Middlesex.—*James Franks*, East-hill, High-st., Wandsworth, Surrey, plumber: in the Debtors Prison for London and Middlesex.—*Wm. Butcher*, Great Marlborough-st., Middlesex, clerk to a carpet manufacturer: in the Debtors Prison for London and Middlesex.—*Jos. Taylor*, Finsbury-terrace, City-road, St. Luke, Middlesex, Birmingham warehouseman: in the Debtors Prison for London and Middlesex.—*Jos. Hen. Hance*, Warwick-street, Charing-cross, Middlesex, agent for the discount of bills: in the Queen's Prison.—*Wm. Dunstan*, Jermyn-st., St. James's,

Westminster, Middlesex, baker: in the Queen's Prison.—*E. Hollingham*, Dorcas-terrace, Hammermith-road, Middlesex, baker: in the Debtors Prison for London and Middlesex.—*F. Harding*, Birkenhead, Cheshire, retail beer seller: in the Gaol of Chester.—*Jas. Wells*, Newport, Monmouthshire, clerk: in the Gaol of Monmouth.—*John Hambleton*, York, tailor: in York Castle.—*Wm. Whitton*, Kingston-upon-Hull, out of business: in the Gaol of Kingston-upon-Hull.—*Geo. Twerton*, Hambleton, near Selby, Yorkshire, plumber: in York Castle.—*Jas. Coomber*, Reading, Berkshire, linen-draper's shopman: in the Gaol of Reading.—*Wm. Rowland*, Loughborough, Leicestershire, veterinary surgeon: in the Gaol of Leicester.

#### MEETING.

*Louisa Bowes Morgan*, Aug. 8 at 12, White Lion Inn, Carmarthen, sp. aff.

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No. 499—VOL. X.

AUGUST 1, 1846.

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LONDON, AUGUST 1, 1846.

THE result following the execution of the sentence pronounced on a recent occasion by a court-martial, has excited so much public attention, that we think we may serve the cause of justice and truth by reminding our readers what is the real state of military law on the subject; for we observe that much misapprehension appears to exist as to the authority under which military punishments are inflicted, and in particular as to the power and responsibility of the officer commanding a regiment, in respect of the execution of sentence. Of course we shall not, in this Journal, enter into any discussion whether the infliction of corporal punishment in the army is or is not beneficial, but shall confine our observations to shewing what is the law upon the subject, and who are the persons responsible for the consequences of carrying it into effect. And, firstly, we must remind our readers, that, if there be one branch of law which is more entirely the creature of the Legislature,—more dependent for its authority upon specific legislation than another,—it is the law military under which the army is governed. There is no power inherent in the Crown, during time of peace, to create or to punish offences specially as military offences, within the United Kingdom. All offences peculiarly military are created, directly or indirectly, by the Mutiny Act, which, as every one knows, is an annual act; and, dehors the terms of that act, there is no such thing as an offence in a soldier, which would not be one at law. So, the authority to inflict particular punishments, either for offences peculiarly military, or for offences which, being military offences, are also civil offences, is given to the Crown by the Mutiny Act, and by nothing else; for, as it is emphatically recited in the preamble of that act, “the raising or keeping a standing army within the United Kingdom of Great Britain and Ireland in time

of peace, unless it be with the consent of Parliament, is against law;” so that the Crown has not only no power of its own to govern the army by any peculiar law, but cannot have an army at all, except by virtue of the Mutiny Act.

The Mutiny Act designates the particular acts that shall constitute military crimes and offences in officers and soldiers, and the particular punishments—at least, the limits of the punishments—with which such crimes and offences shall be visited. Thus, in sect. 1, it designates very minutely the particular offences for which death may be inflicted; among which, it is needless to say that the act of striking a superior officer falls. In sect. 7 it designates the particular crimes for which the punishment is imprisonment not exceeding a given amount, or corporal punishment not extending to life or limb. In sect. 9 it designates other particular offences, for which certain other punishments, comprised within specified limits, are prescribed. Military crimes, therefore, as such, as well as the punishments annexed to them, are entirely the creation of the Legislature, by virtue of the Mutiny Act.

The authority of courts-martial is derived entirely from the same source. Their jurisdiction rests neither upon custom, nor upon usurpation, nor upon any arbitrary power, but entirely and exclusively upon the Mutiny Act. By that act the several kinds of courts-martial are defined; the mode of formation of each is described; and the power of each is described and defined. The following general features, however, run throughout the constitution of courts-martial, as will be collected from an examination of the various clauses of the Mutiny Act and the articles of war founded upon it, viz. firstly, that a court-martial is always convened by the authority or on the representation of the officer commanding in respect of the jurisdiction to which such court-martial refers itself.

Secondly, that such authority to convene a court-martial, is derived either under the warrant of the Crown, issued pursuant to the Mutiny Act, (sect. 5), or under the authority of the clauses of the act itself.

Thirdly, that in no case can the officer by whose authority the court-martial is convened, be the president; but, in every court-martial except a general court-martial, the president is appointed by the officer convening the court.

And, fourthly, that no sentence of a court-martial can be lawfully executed until confirmed by the Crown, or the officer to whom, by the warrant of the Crown, or, in certain cases, by the clauses of the articles of war, the authority of the Crown is delegated.

It does not appear clearly by the Mutiny Act or by the articles of war, whether the officer to whom is entrusted the execution of the sentence, may or may not be a member of the court-martial; but it is to be collected, on the whole, that he cannot. It is not, however, very material, as far as his personal responsibility is concerned, whether he may or may not be a member of the court; for the sentence is not his, but the sentence of the court, and of the officer to whom the confirmation, or refusal to confirm it, is entrusted; and in no case but one would it be possible, we apprehend, for the same officer who executes the sentence to be in any way concerned in the determining of such sentence. For in every case of a court-martial, except a regimental court-martial, the sentence must be confirmed by some officer not immediately commanding the regiment, but holding a higher command, and, therefore, not being the officer charged with the actual execution of the sentence; and, in the single case in which the commanding officer of the regiment might also be the officer having the duty of confirming or rejecting the sentence, it is expressly provided by the 79th article of war, that he shall not be a member of the court.

It may be thought, indeed, that the provision here referred to, of the articles of war, is meant to be general; for, though the 79th article of war has reference to a *regimental* court-martial only, the language respecting the officer commanding a regiment is very large\*, and seems, having regard to the somewhat loose manner in which the articles of war are drawn up, to be intended to apply to a general disability of the commanding officer to be a member of *any court-martial*; and this construction is strengthened by the cautious provisions that we have noticed, excluding the officer convening a court-martial from being the president.

In practice, we believe the commanding officer of the regiment is never a member of the court-martial. But whether he is or not, the sentence is always, as we have seen, the sentence of the whole court, and subject to the rejection of some person who can in no case whatever be a member of the court. The sentence having been passed and confirmed, is, therefore, the sentence of the law, which the officer charged with its execution has no power whatever to annul or vary: he is wholly irresponsible, whatever may be the propriety or impropriety of the law itself. His duty is

\* "No sentence shall be executed until the commanding officer (who is in no case to be a member of the court-martial) or the governor of the garrison shall have confirmed the same."

simply to see that the sentence of the court is carried into effect. If that sentence is too severe, and leads to results not intended, the persons responsible, if any, are the members of the court-martial, or the Commander in Chief, or other officer confirming the sentence; anybody in fact, except the commanding officer charged with the execution of the sentence, who is a mere instrument, having no power to vary it, and having the simple duty of seeing it carried into effect *modo et forma*.

We take it for granted that our readers will not impute to us, in consequence of the foregoing observations, any desire to support tyranny or cruelty, whether inflicted by military or by any other authority. All that we desire to establish is, that the infliction of punishment, pursuant to the sentence of a court-martial, is entirely dependent for its legality upon an act of Parliament; that, therefore, while military men are to recollect that they owe their authority in such matters entirely to the civil power, civilians are to recollect, on the other hand, that, as a consequence; so long as the terms of the act are complied with, the lawfulness of military proceedings is unimpeachable; and that, in estimating the culpability of particular persons concerned in the issuing or executing a sentence of a court-martial, regard ought to be had to the extent of discretion which the Mutiny Act and the articles of war vest in such persons.

### Reviews.

1. *Common Forms in Conveyancing, including Recitals.* By CHARLES DAVIDSON, Esq., of the Middle Temple, Barrister at Law. 8vo., pp. 231. [Marvell.]
2. *A Bill, (as amended after Report), intitled "An Act to facilitate the Conveyance of Property."* (Presented by the Lord Brougham and Vaux). Ordered to be printed 28th May, 1846. Dom. Proc., folio, pp. 100.

Mr. Davidson deserves great credit for the gallantry with which he has entered the ring as champion for the old conveyancing party, unappalled by Lord Brougham's denunciations and the massive bill he wields with so much apparent ease and unconcern. We would gladly have pronounced a funeral oration on all the common forms from which Mr. Davidson has made his selection, but it is to be feared that the Hercules of law reform will not quell his hydra so easily as he seems to expect.

The design and utility of Mr. Davidson's book cannot be better expressed than in his own language:—"This work is strictly what it purports to be, a collection of the common forms used by conveyancers. It contains no special forms, and is intended simply to render the preparation of certain drafts, of frequent occurrence as far as possible mechanical, and to facilitate the mechanical part of the business. For this purpose, the forms of frequent use are repeated in extenso for several different kinds of property, and for several transactions which are nearly akin. The variations in each case are slight, but the saving of time and trouble will be found to be considerable, because, by this means, any person, however ignorant and unskilful, if directed to the forms needed, and furnished with the names to be substituted for the words in italics, will produce a clause requiring little or no alteration, while, if the forms be adapted only generally to the business in hand, it will occupy a good deal of the time of a skilled person to get it into proper shape. For instance, if it be required to adapt the forms in a mortgage to one person to the case of a mortgage to several persons, it will be found that

considerable time and labour is expended in a mere mechanical operation, which is altogether avoided by having a form literally adapted to the case. The principle may be carried much farther than it is in the present work, especially in the forms of wills and settlements; but the author trusts that the following forms will, to some extent, afford the draftsman the mechanical assistance referred to."

In short, the book is intended to give us that in print which most conveyancers possess and use, in a more or less perfect shape, in manuscript. The forms are very well selected, and conveniently arranged. The only drawback from the utility of the collection is its meagreness. The book is very thin, and by doubling its bulk its value might have been increased in a much greater ratio. It would then have contained many forms of very frequent occurrence, for which we now look in vain; such as the clauses and covenants in town leases, farming leases and mining leases, partnership deeds, appointments of new trustees, transfers of mortgages, partition deeds, releases, &c. Clauses of this kind would have been much more useful than the four forms of "Trusts of terms assigned to attend the inheritance," to which Mr. Davidson has appended only this laconic intimation:—"These forms are rarely needed since the stat. 8 & 9 Vict. c. 112; but there are cases in which terms will still have to be assigned." Without denying the possibility of an effectual assignment of a term in trust to attend the inheritance, under any circumstances, we believe we may safely assert that such a thing is extremely unlikely to happen, and even that an assignment of a term, *simply* upon trust to attend, (the only case for which Mr. Davidson's forms are adapted), is absolutely impossible. Even in those classes of common forms to which the collection is confined, namely, Purchase-deeds, Mortgages, Settlements, and Wills, many deficiencies are observable. Thus, among the forms in wills, we find a general devise of real estate, of whatsoever tenure, in trust for sale, but no form for enabling trustees to sell and give a title to copyholds without being first admitted themselves;—no provision for apportionment in the forms for creating rent-charges; but, on the contrary, a very absurd proviso, (p. 180), that the Apportionment Act shall not apply to certain rent-charges which could never fall within its operation. Again, among the few testamentary forms, we find none of the ordinary trusts for the benefit of relations and their issue, provisions for survivorship and substitution, &c.

To the rival formulæ of Lord Brougham, Mr. Davidson, in his preface, alludes in no friendly spirit. "The subject of a reform of the shape of assurances now engages so much attention that it may be proper to add, that, in the author's opinion, conveyancers ought to be enabled, by legislative enactment, to dispense with many of the following forms. At present, however, there is little prospect of this being effectuated; the steps lately taken have not been of any use, and there seems no tendency to proceed in the right way. The persons who have taken charge of the reform of conveyancing law, though many of them of great ability and various learning, are none of them conveyancers of experience; and, however able a man may be, he cannot do otherwise than fail when he attempts to reform an art which he has not practised."

We quite concur in this censure on the recent attempts at conveyancing reform, but we must protest against the attempt to shift the blame from the conveyancers. It is to conveyancers that we chiefly owe the absurdities and abuses of the existing system, and it is on conveyancers alone that the discredit, such as it is, of the recent abortive attempts at reform must rest. The persons who have taken charge of the reform of conveyancing law are none of them conveyancers of ex-

perience, and have not practised the art? Let us see if this is so: "An Act to simplify the Transfer of Property" (7 & 8 Vict. c. 76) was, if report speaks true, prepared by John Hodgson, Esq., Q. C. The next step in arrear, "An Act to amend the Law of Real Property," (8 & 9 Vict. c. 106), is the avowed work of William Hayes, J. H. Christie, and J. Bellenden Ker, Esquires. The substance of "An Act to render the Assignment of satisfied Terms unnecessary," (8 & 9 Vict. c. 112), was obtained by Lord Brougham from Charles Davidson, Esq., after that gentleman had submitted his work "to the revision of a learned friend of great eminence as a conveyancer." (Davidson's Concise Precedents, p. 72). Lastly, as we learn from the third annual report of the Council of the Society for promoting the amendment of the law, the two acts of the last session, for shortening conveyances and leases, and the bill before us, originated with those members of that learned and meritorious body who form its committee on the Law of Property; and the chairman of that committee is Samuel Duckworth, Esq., Master in Chancery.

The truth is, that the successful amendment of any time-worn social machinery requires the co-operation of many qualifications which are seldom united in the same individual, and which, distributed among several, cannot easily be brought together and concentrated with effect upon a given object. And, though the conveyancer is, or ought to be, the most shift of the children of the law, yet his professional habits are not well fitted for the training of an accomplished reformer. To recognise in a general principle only the fruitful parent of an infinite variety of deformed but powerful and tyrannous dwarfs called "exceptions and qualifications," (the fruit of a polygamous intercourse with sophistry, pedantry, ignorance, error, and expediency); to seek on all doubtful points, not the true rule, but a course consistent, if possible, with the worse as well as the "better opinion;" to ask, at every turn, not "Is this right?" but, "What will the Profession, what will an unlearned judge, or an ignorant or timid practitioner, or a captious purchaser, say to this?" ever to consider private interest as paramount to public convenience; to abet his client in roasting his own eggs in the embers of his neighbour's house; daily to read, compose, write, and comment upon countless folios of the most barbarous, tautologous, and absurd jargon; in short, on every occasion systematically to eschew enlarged and general views, and to bestow equal consideration on form and substance, custom and reason; these are habits which must entirely disqualify any ordinary capacity for the successful development of solid and comprehensive scheme of reform. Whatever may be the cause, certain it is, that, at present, the law owes no great debt to the conveyancers on the score of amendment.

We have on former occasions stated our objections to the principle of Lord Brougham's parliamentary forms. The secret of his lordship's failure lies in the ignorance of the nature of the disease which he has undertaken to cure. The prolixity of conveyancers' language is a cause of great mischief; but the progressive stamp on the deed, and the progressive fee on the draft, which, as they are the first and most obvious of its fruits, are those which alone have attracted Lord Brougham's attention, constitute but a small part of the mischief, and might, if it were desirable, be effectually remedied by a new tariff of stamps and fees. But the ambiguities and errors which increase in a direct ratio with the prolixity of language, the wasting of learned time in drawing, settling, and repeatedly perusing, scanning, and scrutinising folios of superfluous words,—the perplexing of unlearned brains with intricacies, not of fact, compact, or law, but of mere words,—the labour of copyists, and the disgust of every one; these are evils

which are perpetually recurring long after the first grievance of the fees and stamps paid on the birth of the parchment monster has been forgotten, and which the adoption of Lord Brougham's scheme would rather aggravate than lighten. The tendency of present practice is gradually to shorten and simplify the language of deeds, to the manifest improvement of its accuracy and perspicuity. Lord Brougham proposes to revive and perpetuate a style which is already obsolete, with the additional annoyances incident to a complicated system of references and interpolations, the mixture of styles, and the use of words in one line in the ordinary sense, and in the next in the parliamentary sense. It is absurd to expect that more than an inconsiderable fraction of the number of judges, counsel, and solicitors, who would have to put a construction on these instruments, could ever become so familiar with the contents of the statute as to see their way without having actually before them the long clauses therein embalmed, whenever they are referred to; so that the measure would practically entail on the Profession a grievous addition to their present labours, for which additional labour, by the express provisions of this very bill, their clients are to pay a proportional remuneration.

Nothing can be more unjust than the imputation of interested motives with which Lord Brougham retaliates upon the solicitors who have refused to adopt his short forms. It is their prudence, and not their cupidity, that is alarmed. "It is one (and not the least) evil of this kind of legislation," says an able member of that body, "that it misleads people as to the true nature and character of the evil to be contended against. Were I anxious to maintain my profession at the expense of the public, I should desire nothing more heartily than the multiplication of acts of Parliament of the kind. They would sow a prolific seed of doubt and litigation: they would create a diversion precisely in that direction which would best suit our own selfish interests. Every session would breed some new code of legal grammar—some legislative dictionary of legal science, until, in a short time, we should almost have destroyed the power of words themselves to effectuate their true end, of expressing clear and definite ideas. Besides this, mere prolixity in deeds is not the evil of which the public complain: it is but one symptom of the evil, and that comparatively slight. The bill of costs, indeed, does include charges proportional to the length of deeds, but it includes a great deal more; and, in most, if not all cases, the quantum of costs is determined more by the integrity, and conscience of the practitioner, in the general conduct of business, than by the mere rule of the length of deeds. In fact, the length of deeds would, by any forced legislative attempt to alter their phraseology, become an utterly unimportant item. Any one conversant with the practice of conveyancing knows, that, even were their length forced by some legislative act into the compass of a nutshell, the bill of costs may be made to swell in other directions beyond the reach of Parliament\*."

If an instrument expresses its meaning by the shortest and plainest expressions that ordinary language affords, it will be as short as any one can reasonably desire,—very little longer, and far more intelligible and convenient for reference, than the result of any scheme of legal algebra or stenography that has yet been proposed. The only way in which the Legislature can usefully interfere in this matter is by giving to practitioners some strong inducement to study conciseness; and this the proposed measure does not do; for the provision, that the Master, in taxing a conveyancing bill,

\* "A Letter to Lord Worsley on the Burthens affecting Real Property, arising from the present State of the Law; with Reasons in favour of a General Registry of Titles. By Henry Sewell, Esq." H. Butterworth. 1846.

may consider the labour and skill employed, is confined to charges for conveyances drawn under the act; and these, we venture to predict, will not be numerous.

Holding these opinions as to the principle of the bill, we cannot be expected to enter into any criticism of its details. If it pass, it will probably become like its predecessors,—a dead letter; unless, which is not very probable, the clause as to allowance of professional charges operate in terrorem upon those members of the profession who may stand in need of such a rod. For our readers' information, we extract the following

#### "TABLE OF FORMS CONTAINED IN THE SCHEDULE.

##### CONVEYANCES OF REALTY:

- Conveyance under a Power, 1 to 5.
- Conveyance under a Power by Revocation of Uses and new Appointment, 6.
- General Words, 7 to 9.
- Covenant to surrender Copyholds, 10, 11.
- Enfranchisement of Copyholds, 12, 13.
- Release of Quit Rents, 14.
- Declaration of Uses to bar Dower, 15.
- Assignment of Leaseholds, 16.

##### CONVEYANCES OF PERSONALTY:

- Assignment of Policies of Insurance, 17.
- Assignment of Stock in Trade, 18.
- General Words, 19.
- Power of Attorney to get in Debts, 20.

##### SETTLEMENTS AND WILLS OF REALTY:

- Limitation of Term, 21.
- Limitation of Rent-charge, 22, 23.
- Powers of Distress and Entry, 24 to 26.
- Limitations, 27 to 29.
- Trusts of Term for raising Pin-money, 30 to 35.
- Trusts of Term for securing Jointure, 36.
- Trusts and Provisions as to Portions, 37 to 62.
- Powers of Appointment, 39 to 43.
- Power of jointuring, 63 to 66.
- Power of charging Portions, 67 to 71.
- Power of leasing for Lives, 72 to 77.
- Power of leasing for Years, 78, 79.
- Power to grant Building Leases, 80 to 84.
- Power to grant Mining Leases, 85 to 90.
- Power of Revocation and new Appointment, 91, 92.
- Power to cut Timber, 98.
- Power to work Mines, 94.
- Power of Enfranchisement, 95.
- Power of partitioning, 96, 97.
- Power of Sale and Exchange, 98 to 100.
- Trust for Investment, 101 to 108.
- Trust for Accumulation, 109 to 111.
- Proviso for marshalling Powers, 112.

##### SETTLEMENT OF LEASEHOLDS, 113 to 117.

##### SETTLEMENT BY WAY OF CONVEYANCE IN TRUST FOR SALE, 118.

##### SETTLEMENTS AND WILLS OF PERSONALTY:

- Trusts for Husband and Wife, 119, 120.
- Trusts and Provisions for Children, 121 to 123.
- Trust for Accumulation, 124 to 126.
- Ultimate Trust for Husband and Wife, 127 to 129.
- Trust for Conversion and Reconversion, 130 to 132.

##### SETTLEMENTS AND WILLS GENERALLY:

- Power to appoint new Trustees, 133 to 136.
- Trustees' Indemnity Clause, 137.
- Trustees' Receipt Clause, 138.

##### SETTLEMENTS:

- Covenants to settle future Property, 139 to 145.

##### WILLS:

- Residuary Devise of Realty, 146.
- Charge of Legacies or Debts upon Realty, 147 to 149.
- Residuary Bequest and Trust for Conversion, 150, 151.
- Trust for Payment of Debts and Expenses, 152.



Provision for annual Payments, 153.  
Power to compromise Claims, 154.  
Devise of Mortgage or Trust Estate, 155.

**MORTGAGES OF REALTY:**

Provisions for Redemption, 156, 157.  
Covenants to pay Mortgage-money, 158 to 160.  
Covenant to accept reduced Interest, 161.  
Provisions for quiet Enjoyment, 162, 163.  
Covenant not to call in the Mortgage Debt, 164.  
Covenant not to pay off the Mortgage Debt, 165.  
Covenant to insure against Fire, 166 to 168.  
Covenant to keep the Premises in repair, 169.  
Power of Sale, 170 to 179.  
Attornment by the Mortgagor, 180.  
Appointment of a Receiver, 181 to 193.  
Provision for Change of Partners in Mortgages to or by a Firm, 194, 195.

Power to the Mortgagor to lease, 196, 197.

**MORTGAGE OF REVERSIONARY INTEREST IN STOCK.****MORTGAGE OF POLICY OF ASSURANCE:**

Trust of the Policy, 198.  
Covenant to keep up the Insurance, 199.  
Receipt Clause, 200.

**MORTGAGE BY WAY OF FURTHER CHARGE, 201.****TRANSFER OF MORTGAGE:**

Assignment of the Mortgage Debt, 202, 203.

**RECONVEYANCE OF MORTGAGED PROPERTY, 204 to 206.****COVENANTS FOR TITLE OF REALTY:**

In Purchase-deeds and Settlements of Freeholds and Copyholds, 207 to 210.  
In Purchase-deeds and Settlements of Leaseholds, 211, 212.  
In Mortgages of Freeholds and Copyholds, 213 to 216.  
In Mortgages of Leaseholds, 217 to 219.

**COVENANTS FOR TITLE OF PERSONALTY:**

On the Assignment of a Policy of Assurance, 220 to 224.  
On the Mortgage of a Policy of Assurance, 225.  
On the Assignment of Goodwill and Stock in Trade, 226 to 230.

**COVENANT AGAINST INCUMBRANCES BY A MORTGAGEE OR TRUSTEE, 231.****COVENANT TO PRODUCE TITLE-DEEDS, 232.****RELEASES:**

General Form, 233, 234.  
In the Case of Trustees or Executors, 235.

**LEASES OF FARMS:**

Demise, 236.  
Reservations, 237 to 243.  
Covenants on the Part of the Lessee, 244 to 261.  
Proviso for Re-entry, 262.  
Covenants on the Part of the Lessor, 263 to 267.  
Proviso for determining the Lease, 268, 269."

**Imperial Parliament.****HOUSE OF COMMONS.**

*Monday, July 27.*

Mr. S. Wortley asked whether the present Government intended to open the Court of Common Pleas to the Profession. He observed, that, during Lord Grey's administration, a warrant was issued by the Crown for that purpose; but it appeared that the Crown had no such power.

The Attorney-General said a bill would be introduced at once, and he would do his best to carry it through this session.

*Wednesday, July 29.*

The Charitable Trusts Bill was postponed till next session.

**MASTERS IN CHANCERY.**—The Lord Chancellor has appointed the following gentlemen Masters Extraordinary in the high Court of Chancery:—Charles James Fox, of Canterbury; William Frankish, of Kingston-upon-Hull.

**London Gazette.**

**TUESDAY, JULY 28.**

**BANKRUPTS.**

**FRANCIS BARBER KETTLE**, Brighton, Sussex, horse-dealer, dealer and chapman, Aug. 4 at 12, and Sept. 4 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Staniland & Long, Bouverie-street. — Fiat dated July 23.

**WALTER M'DOWALL** and **RALPH BROWN**, Pemberton-row, Gough-square, London, printers, dealers and chapmen, Aug. 4 at half-past 12, and Sept. 4 at half-past 11, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Holme & Co., New Inn. — Fiat dated July 23.

**FARQUHAR MACQUEEN**, Macao, a Portuguese settler in China, merchant, (trading in partnership with Alexander Macdonald, at 102, Leadenhall-street, London, under the firm of Farquhar Macquese & Company), Aug. 5 and Sept. 26 at 11, Court of Bankruptcy, London: Off. Ass. Follett; Sol. Ashurst, Cheapside. — Fiat dated July 20.

**CHARLES BURROWS**, East Stonehouse, and **JOHN GLIDDON**, Plymouth, Devonshire, beer brewers, (trading under the firm of Burrows & Gliddon, at Plymouth), Aug. 11 and Sept. 8 at 11, District Court of Bankruptcy, Exeter: Off. Ass. Hernaman; Sols. Little & Woolcombe Devonport; Stogdon, Exeter; Makinson & Co., Temple. — Fiat dated July 16.

**JAMES EVANS**, Bristol, and Weston-super-Mare, Somersetshire, silk mercer, dealer and chapman, (trading in co-partnership with Samuel Evans, at Bristol, as silk mercers), Aug. 11 and Sept. 8 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sols. Savery & Co., Bristol. — Fiat dated July 23.

**JOHN CARLISLE**, West Derby, Lancashire, builder and mason, Aug. 7 and Sept. 4 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Davies, Liverpool; Rogerson, Lincoln's-inn-fields. — Fiat dated July 21.

**JOHN SMITH CHADWICK**, Manchester, calico printer, dealer and chapman, Aug. 12 and Sept. 2 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Blair, Manchester; Johnson & Co., Temple, London. — Fiat dated July 24.

**EDWARD JAMES INCHLEY**, Drayton, Leicestershire, corn dealer, dealer and chapman, Aug. 15 and Sept. 10 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Rawlins, Market Harborough; James, Birmingham. — Fiat dated July 18.

**WILLIAM INCHLEY**, Drayton, Leicestershire, coal dealer, dealer and chapman, Aug. 15 and Sept. 10 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Rawlins, Market Harborough; James, Birmingham. — Fiat dated July 8.

**JAMES COATES**, Leominster, Herefordshire, tailor and grazier, dealer and chapman, Aug. 8 at 1, and Sept. 8 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Woodhouse, Leominster; Bartlett, Birmingham. — Fiat dated July 23.

**ALFRED WILLIAM JOHN MASON**, Edgbaston, Warwickshire, builder, dealer and chapman, Aug. 7 at half-past 10, and Sept. 1 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. A. and T. S. Ryland, Birmingham. — Fiat dated July 21.

**THOMAS SMALL SMITH**, Wednesbury, Staffordshire, carpenter, joiner, and cabinet maker, Aug. 7 and Sept. 1 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sol. Walker, Wolverhampton. — Fiat dated July 16.

**THOMAS CHARLES FLETCHER**, Nottingham, glass dealer, and salt and chymical manure merchant, Aug. 7 and Sept. 1 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sols. Brown, Nottingham; Smith, Birmingham. — Fiat dated July 18.

**WILLIAM GEORGE WALE TAYLER**, Tywardreath, Cornwall, surgeon and apothecary, dealer and chapman, Aug. 12 and Sept. 9 at 11, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzell; Sols. Coodes & Shilson, St. Austel, Cornwall; Stogdon, Exeter. — Fiat dated July 27.

**MARRIAGES.**

*Joseph Thomas, Cayham, near Ludlow, Shropshire, brick*



maker, Aug. 18 at 10, District Court of Bankruptcy, Birmingham, aud. ac.—*Phlip Crispin*, Bristol, carpenter, Aug. 20 at 11, District Court of Bankruptcy, Bristol, aud. ac.—*Richard Marsden*, Brynmawr, Brecknockshire, linendraper, Aug. 24 at 11, District Court of Bankruptcy, Bristol, aud. ac.; Aug. 25 at 11, div.—*John Harrison*, Liverpool, merchant, Aug. 18 at 11, District Court of Bankruptcy, Liverpool, aud. ac.; Aug. 21 at 11, div.—*William Burchall Pattinson*, Liverpool, currier, Aug. 25 at 12, District Court of Bankruptcy, Liverpool, aud. ac.; Aug. 27 at 12, div.—*John Clarke*, *Richard Mitchell*, *Joseph Phillips*, and *Thomas Smith*, Leicester, bankers, Aug. 24 at 11, Castle of Leicester, Leicester, div.—*Richard Foulkes*, Soughton, Northop, Flintshire, cattle salesman, Aug. 25 at 11, District Court of Bankruptcy, Liverpool, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Nehemiah John Reed*, Marlborough, Wiltshire, licensed common brewer, Aug. 24 at 12, District Court of Bankruptcy, Bristol.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Aug. 18.*

*William Dale*, Liverpool, bricklayer.—*Samuel Whalley*, William-street, Lison-grove, Middlesex, grocer.—*Christopher Clarke*, Goswell-road, and Cranbourn-street, Middlesex, draper.—*James Rowley*, Newton, Manchester, silk manufacturer.—*Samuel Metcalfe Latham*, Dover, Kent, banker.—*Thomas Dunlop Brown*, Liverpool, commission merchant.—*Charles Joseph Edwards*, Blantisham, near St. Ives, Huntingdonshire, apothecary.—*Benjamin Moxon Ryder*, Kingston-upon-Hull, grocer.

#### SCOTCH SEQUESTRATIONS.

*Donald Morrison & Co.*, Inverness, booksellers.—*James B. Martin & Co.*, Leith, engineers, and at Alloa, founders.—*Jas. Francis Dixon*, Alloa and Edinburgh, banker.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*William Holmes*, Clerkenwell-green, Middlesex, butcher, Aug. 13 at half-past 11, Court of Bankruptcy, London.—*John Porter*, Sun-street, Bishopsgate-street, London, shoe mercer, Aug. 13 at 11, Court of Bankruptcy, London.—*George Baden*, Blandford Forum, Dorsetshire, boot maker, Aug. 13 at half-past 11, Court of Bankruptcy, London.—*John Edward Stammers*, Broadway, Stratford, Essex, omnibus conductor, Aug. 13 at 11, Court of Bankruptcy, London.—*Henry Davies*, Elizabeth-place, Commercial-road, Old Kent-road, Surrey, out of business, Aug. 13 at 12, Court of Bankruptcy, London.—*Peter Houghton*, Stockwell, Surrey, sub railway contractor, Aug. 13 at 12, Court of Bankruptcy, London.—*D. Elliott*, Victoria-place, Old Kent-road, Surrey, merchant's clerk, Aug. 13 at 12, Court of Bankruptcy, London.—*Wm. Watts*, St. George-street, St. George-in-the-East, Middlesex, baker, Aug. 13 at half-past 11, Court of Bankruptcy, London.—*R. Bailey Borer*, Whitecross-street, St. Luke, Old-street, Middlesex, grocer, Aug. 13 at half-past 11, Court of Bankruptcy, London.—*Thomas Cook*, Howland-street, Fitzroy-square, Middlesex, watch maker, Aug. 13 at 12, Court of Bankruptcy, London.—*Jacob Hurren*, Prospect-place, Queen's-road, Dalston, Middlesex, grocer, Aug. 13 at 11, Court of Bankruptcy, London.—*George Ainsworth*, Chatham, Kent, bread baker, Aug. 13 at 12, Court of Bankruptcy, London.—*Jane Kelly*, Deptford, Kent, widow, potatoe dealer, Aug. 13 at 11, Court of Bankruptcy, London.—*James Marshall*, Horton, near Bradford, Yorkshire, grocer, Aug. 7 at 11, District Court of Bankruptcy, Leeds.—*Samuel Moss*, Bradford-moor, near Bradford, Yorkshire, labourer, Aug. 7 at 11, District Court of Bankruptcy, Leeds.—*John Pell*, Horton, near Bradford, Yorkshire, small shopkeeper, Aug. 7 at 11, Commercial-buildings, Leeds.—*Ephraim Harris*, Bristol, out of business, Aug. 6 at 11, District Court of Bankruptcy, Bristol.—*C. Booth*, Broughton, Manchester, butcher, Aug. 7 at 12, District Court of Bankruptcy, Manchester.—*John Pepper*, Liverpool, pilot, Aug. 4 at 11, District Court of Bankruptcy, Liverpool.—*J. Boardman*, Liverpool, sour dealer, Aug. 4 at 11, District Court of

Bankruptcy, Liverpool.—*Patrick Boyle*, Liverpool, provision dealer, Aug. 4 at 11, District Court of Bankruptcy, Liverpool.—*J. Sharples Hallows*, Liverpool, lodging-house keeper, Aug. 4 at half-past 11, District Court of Bankruptcy, Liverpool.—*Wm. Brett*, Liverpool, dealer in coals, Aug. 6 at 11, District Court of Bankruptcy, Liverpool.—*Thomas For*, St. George, Gloucestershire, general shopkeeper, Aug. 18 at 11, District Court of Bankruptcy, Bristol.—*Wm. Wilbers* the younger, St. George, Gloucestershire, licensed horse-dealer, Aug. 17 at 12, District Court of Bankruptcy, Bristol.—*Wm. Clark*, Frome Selwood, Somersetshire, plumber, Aug. 17 at 11, District Court of Bankruptcy, Bristol.—*John Carr*, Cheltenham, Gloucestershire, coach smith, Aug. 6 at half-past 1, District Court of Bankruptcy, Bristol.—*George Matthews*, High-street, Deptford, Kent, tailor, July 30 at half-past 2, Court of Bankruptcy, London.—*John Dinwood*, Alton, Southamptonshire, cabinet maker, Aug. 1 at 2, Court of Bankruptcy, London.—*Wm. Ward*, Wentworth-street, Whitechapel, Middlesex, circular sawyer, July 30 at half-past 2, Court of Bankruptcy, London.—*Donald M'Pherson*, St. Nicholas, Ipswich, Suffolk, auctioneer, July 30 at 3, Court of Bankruptcy, London.—*W. Wardell*, St. Giles, Oxfordshire, chair maker, July 30 at half-past 2, Court of Bankruptcy, London.—*T. Bray*, Fetter-lane, Middlesex, out of business, July 30 at half-past 2, Court of Bankruptcy, London.—*Henry Maynard*, Long-lane, Bermondsey, Surrey, out of business, July 30 at 3, Court of Bankruptcy, London.—*James Beaumont*, Mosald-green, near Huddersfield, Yorkshire, cloth dresser, Aug. 7 at 11, District Court of Bankruptcy, Leeds.—*Jeremiah Yuting*, St. Mary, Beverley, Yorkshire, sexton, Aug. 5 at 11, Mansion-house, Hull.—*Wm. Watkins*, Monmouth, plasterer, Aug. 13 at 11, District Court of Bankruptcy, Bristol.—*W. Parker*, Halifax, Yorkshire, stone deliver, Aug. 4 at 11, District Court of Bankruptcy, Leeds.—*T. Croudson*, Bowling-hall-lane, near Bradford, Yorkshire, small shopkeeper, Aug. 4 at 11, District Court of Bankruptcy, Leeds.—*Daniel Watson*, Horsforth, Guiseley, Yorkshire, stone mason, Aug. 4 at 11, District Court of Bankruptcy, Leeds.—*Charles Smith*, Derby, joiner, Aug. 11 at 11, District Court of Bankruptcy, Birmingham.—*John Hackney*, Liverpool, whitesmith, Aug. 7 at 11, District Court of Bankruptcy, Liverpool.—*T. Henrick*, Birkenhead, Chester, out of business, Aug. 6 at 11, District Court of Bankruptcy, Liverpool.—*J. Beaumont*, Helm-in-Meltham, Almondsbury, Yorkshire, cloth finisher, Aug. 4 at 11, District Court of Bankruptcy, Leeds.—*G. Frobisher*, Leeds, Yorkshire, out of business, Aug. 4 at 11, District Court of Bankruptcy, Leeds.—*H. Wilson*, Sheffield, Yorkshire, confectioner, Aug. 7 at 11, Town-hall, Sheffield.—*Thos. Wardle*, Everton, Liverpool, attorney at law, Aug. 6 at 11, District Court of Bankruptcy, Liverpool.—*Chas. Saville*, Sheffield, Yorkshire, warehouseman, July 31 at 11, Town-hall, Sheffield.—*Daniel Greaves*, Sheffield, Yorkshire, woollen cloth merchant, July 31 at 11, Town-hall, Sheffield.

*Saturday, July 25.*

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*Alex. Carroll* the younger, Stamford-st., Blackfriars-road, Surrey, gentleman, No. 58,018 T.; *Wm. R. Stacy*, assignee.—*Wm. Lambert*, London-road, Southwark, Surrey, out of business, No. 58,251 T.; *Isaac Morley*, assignee.—*W. Vince*, Shoreditch, Middlesex, licensed victualler, No. 57,281 T.; *Rob. Wm. Keene*, assignee.—*Geo. Raffield* the younger, Liverpool, manager to a shipwright, No. 67,388 C.; *Thomas Lawrence*, assignee.—*Jos. Pinbley*, Horwich, near Bolton-le-Moors, Lancashire, retail dealer in ale, No. 67,495 C.; *Thos. Dawber*, assignee.—*Robert Owen*, Swansea, Glamorganshire, out of business, No. 67,278 C.; *John Cassell*, assignee.—*Jos. Turbuck*, Kirkdale, near Liverpool, Lancashire, shopman to an ironmonger, No. 67,424 C.; *Thos. M'Knight*, assignee.—*Ann Marland*, Ashton-under-Lyne, Lancashire, out of business, No. 67,514 C.; *Edw. Garvide*, assignee.—*John Price*, Holyhead, Anglesea, North Wales, master of the smack *Jane Brown*, No. 67,511 C.; *John Walker*, assignee.—*John Oakden*, Manchester, fent dealer, No. 67,520 C.; *Samuel Hamer*, assignee.—*Geo. Rushton*, Whitworth, near Rochdale, Lancashire, butcher, No. 67,394 C.; *Jas. S. Milne*, assignee.—*Hen. Heaton*, Horncastle, Lincolnshire, out of business, No. 67,544 C.; *Richard Hindley Scott* and *Timothy Collinson*, assignees.

Saturday, July 25.

Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—

(On their own Petitions).

*Alfred Coal*, Tiverton-cottages, Kingsland-road, Middlesex, out of employment: in the Queen's Prison.—*Chas. Alex. L'Etre*, Haymarket, Middlesex, in no business: in the Queen's Prison.—*Edw. Tadd*, Charlton-terrace, New Charlton, Kent, baker; in the Queen's Prison.—*Hen. Hewgill*, Esq., Portsea-place, Connaught-sq., Middlesex: in the Queen's Prison.—*James Henne*, Upper Fitzroy-place, New-road, St. Pancras, Middlesex, ginger beer manufacturer: in the Debtors Prison for London and Middlesex.—*Geo. Wrecks*, Reynold's-court, Moor-lane, Cripplegate, London, stone mason: in the Debtors Prison for London and Middlesex.—*Hubert Henry Lucas*, Grove-house, Walham-green, near Fulham, Middlesex, barrister at law: in the Debtors Prison for London and Middlesex.—*Wm. Banks*, Kirby Moorside, Yorkshire, chair maker: in the Gaol of York.—*Edw. S. Keir*, Clifton, near Brighouse, near Halifax, Yorkshire, out of business: in the Gaol of York.—*Chas. John Armistead*, Springfield-mount, Leeds, Yorkshire, share dealer: in the Gaol of York.—*Jas. Baker*, King's Weston, Henbury, Gloucestershire, blacksmith: in the Gaol of Gloucester.

#### INSOLVENT DEBTOR'S DIVIDEND.

*Jas. Lillierap*, captain royal navy, Gears & Co.'s, Exeter: 3s. 3d. in the pound, (in addition to former dividends of 3s. 10d.)

#### MEETING.

*Wm. Hore*, Esq., Salfash, Cornwall, Aug. 13 at 12, Globe Hotel, Plymouth, sp. aff.

FRIDAY, JULY 31.

#### BANKRUPTS.

*ISAAC BIRD*, Harrow-on-the-Hill, Middlesex, grocer and cheesemonger, dealer and chapman, Aug. 11 at half-past 1, and Sept. 11 at half-past 12, Court of Bankruptcy, London: Off. Ass. Alsager; Sols. Lawrance & Plews, Old Jewry-chambers.—Fiat dated July 30.

*JOSEPH JAMES SUCH*, Bolingbroke-row, Walworth-road, Newington, Surrey, auctioneer and upholsterer, Aug. 11 at 12, and Sept. 4 at half-past 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Smith, 77, Basinghall-st.—Fiat dated July 28.

*JONATHAN WRAGG*, Melina-place, Westminster-bridge-road, Surrey, iron merchant, Aug. 11 at 12, and Sept. 9 at 1, Court of Bankruptcy, London: Off. Ass. Belcher; Sols. Hunt, Wednesbury, Staffordshire; Miller, Sussex-chambers, 10, Duke-st., St. James's.—Fiat dated July 21.

*JOHN PALMER*, Worthing, Sussex, painter, plumber, and glazier, dealer and chapman, Aug. 8 at 12, and Sept. 8 at 2, Court of Bankruptcy, London: Off. Ass. Follett; Sols. Reed, Worthing; Palmer & Co., Bedford-row.—Fiat dated July 28.

*WILLIAM ELLIOTT*, Petworth, Sussex, corn merchant, Aug. 8 at 1, and Sept. 10 at 11, Court of Bankruptcy, London: Off. Ass. Follett; Sols. Dainty, Petworth; Hill & Heald, 23, Throgmorton-street.—Fiat dated July 28.

*BENJAMIN CLARK*, Kingston-upon-Thames, Surrey, export ale and porter merchant, dealer and chapman, Aug. 8 at 1, and Sept. 19 at 12, Court of Bankruptcy, London: Off. Ass. Green; Sols. Lawrance & Plews, 14, Old Jewry-chambers.—Fiat dated July 30.

*EDMUND BURKE KILPIN*, Ryde, Isle of Wight, Southampton, jeweller, watchmaker, and silversmith, Aug. 10 at 2, and Sept. 7 at 11, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Watson, Basinghall-st., London.—Fiat dated July 21.

*JOSEPH CARNE* the younger, Falmouth, Cornwall, grocer, Aug. 12 and Sept. 9 at 11, District Court of Bankruptcy, Exeter: Off. Ass. Hernaman; Sols. Bull & Tully, Falmouth, Cornwall; Avery & Son, Exeter; Jones & Co., St. Swithin's-lane, London.—Fiat dated July 21.

*DANIEL WHITE*, Bristol, potter and pipemaker, (lately carrying on business as a potter and pipemaker, in partnership with Thomas Winfield, Bristol, under the style or firm of Daniel White & Company), Aug. 11 at 12, and Sept. 7 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sol. King, Bristol.—Fiat dated July 24.

*ATKINSON WILKIN*, Camberwell, Surrey, (carrying on business at Nicholas-lane, Lombard-st., in co-partnership with Alexander Beattie, Francis Macnaghten, and Robert Arthur Fitzhardinge Kingscote, as merchants, (under the style or firm of Beattie & Company), Aug. 11 and Sept. 18 at 1, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Espin, New Boaswell-court, Fleet-street.—Fiat dated July 29.

*SAUL SAMUEL and WALTER SAMUEL*, Birmingham, woollen drapers and tailors, dealers and chapmen, Aug. 30 and Sept. 17 at 1, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. J. and J. H. Linklater, 115, Leadenhall-street, London.—Fiat dated July 28.

*THOMAS WILSON*, Sheffield, Yorkshire, grocer, dealer and chapman, Aug. 14 and Sept. 4 at 11, District Court of Bankruptcy, Sheffield: Off. Ass. Freeman; Sols. Furnell, Sheffield; Duncan, 11, Featherstone-buildings, Holborn, London.—Fiat dated July 23.

*JAMES JAMIESON*, Leeds, Yorkshire, stock and share broker, dealer and chapman, Aug. 10 and Sept. 3 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. J. and J. E. Upton, Leeds: Few & Co., Covent-garden, London.—Fiat dated July 29.

*JOHN HEATON*, Park, near Honley, Almondbury, Yorkshire, clothier, dealer and chapman, Aug. 11 and Sept. 1 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Brook & Co., Huddersfield; Horsfall & Harrison, Leeds; Van Sandau & Co., King-street, Cheapside, London.—Fiat dated July 18.

*RICHARD GILL*, Richmond, Yorkshire, grocer, dealer and chapman, Aug. 11 and Sept. 1 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Kynaston; Sols. Atkinson & Co., Leeds; Langhorne, Richmond, Yorkshire; Meggison & Co., King's-road, Bedford-row.—Fiat dated July 22.

*THOMAS INGHAM RAYNER*, Birstal, Yorkshire, apothecary, Aug. 11 and Sept. 1 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Kynaston; Sols. Bond, Leeds; Battye & Co., Birstal; Jaques & Co., Ely-place, London.—Fiat dated July 28.

#### MEETINGS.

*Jacob Montefiore and J. Barrow Montefiore*, George-street, Mansion-house, London, merchants, Aug. 11 at 1, Court of Bankruptcy, London, ch. ass.—*Horatio Raine*, Newton-wood, Newton, Cheshire, Aug. 12 at 12, District Court of Bankruptcy, Manchester, last ex.—*Mary Armistead*, Crawford-st., Mary-le-bone, Middlesex, milliner, Aug. 22 at 11, Court of Bankruptcy, London, aud. ac.—*Alexander Thorne*, High Holborn, Middlesex, oilman, Aug. 22 at 11, Court of Bankruptcy, London, aud. ac.—*James Laws*, Broad-st., Golden-sq., Middlesex, grocer, Aug. 25 at 12, Court of Bankruptcy, London, aud. ac.—*Thos. Fildes*, Liverpool, boot manufacturer, Aug. 25 at 11, District Court of Bankruptcy, Liverpool, aud. ac.; Aug. 27 at 11, div.—*William Jerman*, Wigton, Cumberland, chemist, Aug. 25 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*Jas. Reid*, Newcastle-upon-Tyne, ship broker, Aug. 25 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*T. Rogers*, Bradford, Yorkshire, surgeon dentist, Aug. 21 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*John Parton*, Birmingham, draper, Aug. 29 at 12, District Court of Bankruptcy, Birmingham, aud. ac.—*Rich. Gatehouse*, Rich. Darch, and *Gastrell Wilkie*, Upper Lisson-street, Middlesex, timber merchants, Aug. 21 at half-past 11, Court of Bankruptcy, London, div.—*John Parr*, South Wharf-road, Paddington, Middlesex, coal dealer, Aug. 25 at 11, Court of Bankruptcy, London, div.—*Thomas Morris* and *Wm. Woodward*, Barham, Staffordshire, drapers, Aug. 29 at 12, District Court of Bankruptcy, Birmingham, aud. ac. and fin. div.

#### CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on the Day of Meeting.

*Jos. Davis*, Pall-mall, Middlesex, and Ludgate-st., London, dentist, Aug. 23 at 1, Court of Bankruptcy, London.—*Mary Armistead*, Crawford-st., Mary-le-bone, Middlesex, milliner, Aug. 22 at 11, Court of Bankruptcy, London.—*Wm. Abernethy*, Liverpool, druggist, Aug. 22 at 11, Court of Bankruptcy, London.—*Richard Perry*, Leeds, Yorkshire, hatter, Aug. 24 at 11, District Court of Bankruptcy, Leeds.—*Thos. Jackson*, Salterhebble, Halifax, Yorkshire, worsted spinner, Aug. 24 at 11, District Court of Bankruptcy, Leeds.—*Sam.*

*B. Sowden*, Leeds, Yorkshire, share broker, Aug. 25 at 11, District Court of Bankruptcy, Leeds.—*Griffith J. Hughes*, Liverpool, commission merchant, Aug. 18 at 11, District Court of Bankruptcy, Liverpool.—*Maria Illingworth, Wm. Smith, and John Wright*, Bradford, Yorkshire, worsted spinners, Aug. 25 at 11, District Court of Bankruptcy, Leeds.—*John Barton*, Manchester, copper roller manufacturer, Aug. 22 at 1, District Court of Bankruptcy, Manchester.—*John Nield*, Manchester, and Bank-mill, near Lees, Ashton-under-Lyne, Lancashire, and Saddleworth, Yorkshire, woollen manufacturer, Aug. 24 at 12, District Court of Bankruptcy, Manchester.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Aug. 21.

*Henry L. Fitzjames*, Walcot, Bath, Somersetshire, furrier.—*Wm. Darnbrough*, Richmond, Surrey, tailor.—*Rob. Nelson*, Great Portland-st., Middlesex, hotel keeper.—*Geo. Edw. Schultz* and *Hen. W. Carr*, Liverpool, stock brokers.—*Alex. Beattie* and *Francis McNaghten*, Nicholas-lane, Lombard-st., London, merchants.—*Peter Rhodes*, Manchester, cotton spinner.

#### FIAT ANNULLLED.

*Charles Murray Williams*, Bristol, ironmonger.

#### SCOTCH SEQUESTRATIONS.

*Henry Hutchison*, Edinburgh, wine merchant.—*J. Cairns*, Glasgow, stock broker.—*Wm. Cobden*, Tain, baker.—*David Mickel*, Spoutmouth, Glasgow, skinner.—*Thomas Gibson & Co.*, Falkirk, tanners.

#### INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

*John Barker*, Brighton, Sussex, baker, Aug. 12 at 11, Court of Bankruptcy, London.—*Joe. Gatrell*, Fordingbridge, Southampton, chemist, Aug. 6 at 1, Court of Bankruptcy, London.—*Jas. Wallace*, Chapel-st., Edgeware-road, Marylebone, Middlesex, hatter, Aug. 12 at 11, Court of Bankruptcy, London.—*Germain Marmatsee*, Lisle-st., Leicester-square, Middlesex, lithographic printer, Aug. 12 at 11, Court of Bankruptcy, London.—*Wm. James Jenney*, Caston, near Watton, Norfolk, tailor, Aug. 12 at 11, Court of Bankruptcy, London.—*Sarah East*, Fulham-road, Middlesex, china dealer, Aug. 12 at 11, Court of Bankruptcy, London.—*Joseph Lees*, Epsom-st., Goodman's-fields, Middlesex, merchant, Aug. 1 at 11, Court of Bankruptcy, London.—*Thos. Davis*, Gloucester, butcher, Aug. 24 at 11, District Court of Bankruptcy, Bristol.—*Dav. Jones*, Dowlais, Merthyr Tydfil, Glamorganshire, publican, Aug. 25 at 11, District Court of Bankruptcy, Bristol.—*Jeremiah Tutting*, St. Mary's, Beverley, Yorkshire, sexton, Aug. 5 at 11, Mansion-house, Hall.—*T. Middleton*, Barmley, Silkstone, Yorkshire, tinner, Aug. 14 at 11, District Court of Bankruptcy, Leeds.—*T. Closses* the younger, Beverley, Yorkshire, manager of a saddlery business, Aug. 12 at 11, Mansion-house, Hall.—*Charles Broomhead*, Sheffield, Yorkshire, brewer's labourer, Aug. 7 at 11, Town-hall, Sheffield.—*Joseph Seyner*, West Haddlesey, near Selby, Yorkshire, general shopkeeper, Aug. 14 at 11, District Court of Bankruptcy, Leeds.—*John Hague*, Sheffield, Yorkshire, pocket-blade forger, Aug. 7 at 11, Town-hall, Sheffield.—*John Hides*, Sheffield, Yorkshire, scale presser, Aug. 7 at 11, Town-hall, Sheffield.—*John Robinson*, Radford, Nottinghamshire, lace maker, Aug. 7 at 11, Town-hall, Sheffield.—*James Schofield*, Oldham, Lancashire, mechanic, Aug. 13 at 12, District Court of Bankruptcy, Manchester.—*Wm. Griever*, South Shields, Durham, grocer, Aug. 25 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne.

Wednesday, July 29.

Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—

(On their own Petitions).

*John Hatherington Smith*, Westbourne-park-road, Paddington, Middlesex, attorney at law: in the Queen's Prison.—*Robert Hutton*, Laurel-cottage, Highgate, Middlesex, merchant: in the Queen's Prison.—*Henry Hancock*, Russell-place, Old Kent-road, Surrey, out of business: in the Debtors Prison for London and Middlesex.—*Thomas Adams*, Half Moon-street, Bishopsgate-street, London, and Cambridge, coffee-house keeper: in the Debtors Prison for London and Middlesex.—*George Richard House*, Fort-street, Spital-sq.,

Middlesex, fancy paper stainer: in the Debtors Prison for London and Middlesex.—*Isaac Baynton*, Crab Tree Shot-road, North-fields, Peckham, Surrey, commission agent for the sale of ales: in the Gaol of Surrey.—*Francis Lee*, Vernon-square, Bagnigge-wells-road, Middlesex, pocket-book manufacturer: in the Debtors Prison for London and Middlesex.—*Edward Richard Buller*, Regent-street, Middlesex, not in any profession: in the Queen's Prison.—*Lewelin Lewis*, Pantyhaidd-mill, Carmarthenshire, miller: in the Gaol of Carmarthen.—*William Manton*, Birmingham, out of business: in the Gaol of Warwick.—*Isaac Stamper*, Liverpool, bricklayer: in the Gaol of Lancaster.

**ATTORNIES OF LONDON.**—You are earnestly requested to attend a PUBLIC MEETING of your Brother Professionals on Tuesday Evening next, at 7 o'clock precisely, at the Gray's Inn Coffee-house, to consider whether it is not yet practicable to obtain insertion in the proposed "Small Debts Act" of an unrestricted optional Clause that our Clients may sue in the Superior Courts, if they choose. To attempt more would be useless; to succeed in this is to secure some Hundreds of Pounds per Annum to many of us for Life. Think of this, and attend our last Struggle. Nothing to pay. E. CLARKE, Hon. Sec. pro tem.

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# The Jurist

No. 500—VOL. X.

AUGUST 8, 1846.

PRICE 1s.

\* \* The following are the Names of the Gentlemen who favour THE JURIST with Reports of Cases argued and decided in the several Courts of Law and Equity:—

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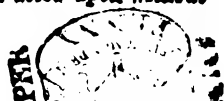
LONDON, AUGUST 8, 1846.

In the last Number of THE JURIST will be found reported a decision in the Consistory Court, which, from the high reputation of the judge who pronounced it, we have no doubt is in accordance with the practice of the ecclesiastical court. But, if it is, it shews that the practice of that court, in respect to the evidence on which it will act, is of a very singular character. The case to which we allude is *Noverre v. Noverre*, (ante, p. 622), and the question in it was, whether Mrs. Noverre, the defendant, had been guilty of adultery. The evidence consisted of the depositions of servants and others, no part of which went further than to shew that there had been opportunities for the defendant and the alleged adulterer to have committed adultery, if they chose; and that, to use the very language of the judgment itself, "their intercourse was more intimate than could be thought consistent with the relative duties of either of them." There was no evidence, by witnesses, of actual adultery,—no evidence of acts from which adultery could be safely inferred; for, to return again to the judgment, "there was the evidence of three servants, who deposed, indeed, to very few facts, but they proved that there was abundance of opportunity for the commission of adultery, if the inclination existed on both sides." And this was all. Standing alone, it is obvious that such evidence was utterly worthless. It proved nothing but that the behaviour of the parties had been unseemly, and that they had the opportunity of going further if they thought fit. But then there were certain confessions of the defendant: firstly, there was a confession to the father of the alleged particeps criminis. Next there was a letter written by the defendant to the same person, in answer to a letter which was not produced, and this letter the court most properly treated

as no evidence. And, lastly, there was a confession by the defendant to another witness.

Now, we need not remind our readers, that, in the administration of our criminal law, confessions are, under certain circumstances, admissible in evidence, and are of themselves, if sufficient in point of statement, conclusive; that is, if an accused person has made a confession under such circumstances as render it admissible, and such confession is sufficiently proved, and goes with sufficient clearness to the question of guilt, the accused may be convicted on the confession alone. "A prisoner's confession is sufficient ground to warrant a conviction, although there is no other proof of his having committed the offence with which he is charged; and it appears, from several circumstances, that his confession may, in some instances, even supply the absence of all proof as to the fact of the commission of the offence charged." (Phillips on Evidence, 8th ed., p. 423). But, by the canon law, (canon 105), it is otherwise: a separation causa adulterii cannot be pronounced upon confessions alone, but there must be other evidence. The question, therefore, is, what sort of evidence. To say that evidence which would of itself raise a strong presumption of the commission of adultery,—evidence of conduct which could scarcely be believed to exist except as between persons who had committed adultery,—evidence on which the person hearing it, would feel that approach to conviction, which falls short of actual conviction by only a slight degree;—to say that such evidence, taken in conjunction with confessions, will support them, and constitute legal proof, is intelligible; but to say, that, if confessions are of themselves insufficient, they shall be rendered sufficient by the aid of evidence which of itself proves literally nothing, is most unintelligible.

If the rule means anything, it must mean that confessions shall not be received and acted upon without



some collateral proof shewing a great probability that the confessions are true. If all that the rule means is, that confessions are not admissible, unless there is some collateral evidence to form a sort of peg on which to hang them, but that it is perfectly immaterial whether the collateral evidence shews the probability of the confessions being true, then such a rule is one, the object or utility of which it passes the understanding of any common lawyer to appreciate; and it would be as well to say at once, in accordance with the common law, that conviction may rest upon confessions alone; for that is the substantial operation of the rule, if confessions, not being of themselves alone sufficient, are to be let in, and held conclusive by the aid of evidence, which, like that in *Nosserre v. Nosserre*, would not of itself afford the slightest means of forming any belief, or approach to belief, whether the alleged crime has been committed, and cannot, therefore, add one particle to the legal belief of the court in the probability of the confessions being true.

#### OBSERVATIONS ON THE RECENT CASE OF *DIETRICHSEN v. CABBURN*, (ante, p. 601).

The decision of the Lord Chancellor, reported in our last number, (*Dietrichsen v. Cabburn*, ante, 601), has again unsettled, though we trust it will ultimately lead to settling, and in the right direction, the long debated question, whether, where a contract is partly of an active and partly of a negative nature, and the active part of the contract cannot be enforced, equity will restrain by injunction a breach of the negative part. In *Dietrichsen v. Cabburn* all the authorities were cited, except, singularly enough, the only one since *Kemble v. Kean* (6 Sim. 333) and *Kimberley v. Jennings*, (6 Sim. 338), in which the doctrine of those cases has been practically departed from,—we mean the case of *Rolfe v. Rolfe*, (9 Jur. 61), on which we commented in the pages of this journal, (9 Jur. 70). It is singular, also, that, in *Dietrichsen v. Cabburn*, *Hills v. Croll*, (9 Jur. 645), although cited, was very little, as we are informed, commented upon at the bar, and was left entirely unnoticed in the Lord Chancellor's judgment.

In *Hills v. Croll*, the circumstances of the case, so far as regarded this point, and stripped of the complication with which other ingredients of the contract surrounded the discussion, were, that the plaintiff Hills agreed to supply Croll with certain acids, and Croll agreed to purchase the acids from Hills and from no other person. Now, let us compare this state of things with that in *Dietrichsen v. Cabburn*. In the latter case, the plaintiff agreed to act as the defendant's agent for a certain number of years, for the sale of a particular medicine, and on specified terms as to remuneration. The defendant agreed to employ the plaintiff and not to employ any other person. It is submitted, therefore, that the agreement was in both cases of the same character; a positive agreement by one party to do something, and a negative agreement by the other party to abstain from doing something. In both cases, the bill prayed specific performance; in *Hills v. Croll* in terms, and in *Dietrichsen v. Cabburn* in effect, though not in terms. The two cases seem, therefore, to have had precisely the same ingredients.

They came before the court, however, in different ways; and it will be proper to examine whether that circumstance can have had any influence in producing the opposite decisions that we find in these two cases. In *Hills v. Croll*, the case came before the court upon a motion for an injunction, and it was refused, as we un-

derstand the judgment of Lord Lyndhurst, on this ground, that, as the agreement was one which the court could not perform as a whole, it would not restrain one of the parties from committing a breach of his part of the agreement:—"The bill," said his Lordship, "was filed for the purpose of calling upon the court to declare that that agreement could be specifically performed. Now, there is no principle of the court more clearly established than this, that the court will not decree an agreement to be specifically performed, unless it can execute the whole of the agreement. The question, therefore, in this case will be, whether the court has power, from the nature of this agreement, to execute the whole of it,—every part of it. Part of the prayer for relief, and which is consequent upon a specific performance, is, that the defendant should be restrained from purchasing acids from any body but Mr. Hills; and also, that he should be restrained from granting licenses, except according to the agreement that was in force between the parties. Now, then, with respect to the first of these points, there is a stipulation, on the part of Hills, that he will supply the acids; and there is a stipulation, on the part of Mr. Croll, that he will purchase acids from Mr. Hills, and from no other person. Has the court any power whatever to compel Mr. Hills to comply with that? Can the court order Mr. Hills to continue the manufacture of acids for the purpose of supplying Mr. Croll? Can the court call upon him, if he should not manufacture acids, and require him to purchase acids for the purpose of supplying Mr. Croll? It is clear, I apprehend, that the court has no such power. . . . Unless the court can compel him, by a direct order, to supply Mr. Croll from time to time with the acids that Mr. Croll requires, it is quite clear that this court cannot execute all the parts of this contract; the court cannot, therefore, compel the party specifically to perform the contract. It was thrown out, in the course of the argument, that this court might compel one party to perform his part of the contract, and leave the other party to his remedy at law. No such principle has ever been acted on in this court; it has been laid down over and over again, and in a recent case cited at the bar before Sir E. Sugden, that, unless this court can execute every part of the contract, it will not compel a specific performance of a part. I am of opinion, therefore, according to the facts as they at present stand, and according to the statement of the principle I have mentioned, that, when this cause comes to a hearing, the court cannot restrain Mr. Croll from purchasing acids elsewhere, because it cannot compel Mr. Hills, on his side, to furnish all the acids that may be necessary for the manufacture carried on by Mr. Croll. If the court cannot do this, it cannot restrain the parties at the hearing. It is quite clear, that, upon this interlocutory application, the court cannot restrain Mr. Croll from purchasing acids elsewhere."

It is manifest, therefore, that Lord Lyndhurst considered the granting of an injunction as dependent upon the power of the court to specifically perform the entire agreement; and that, if the case had come before him on demurrer, he must, according to the grounds on which he placed his refusal of an injunction, have allowed a general demurrer; his argument being, not that the plaintiff shewed no equity for an injunction, whatever might be his equity to have the agreement performed, but that, because, on the face of the bill, there was no equity for specific performance of the entire agreement, therefore there was no equity for an injunction. The ground of the difference between the decision of Lord Cottenham in *Dietrichsen v. Cabburn*, and that of Lord Lyndhurst in *Hills v. Croll*, is not, therefore, to be found, in the one case, coming on by way of motion for an injunction, and the other by way of demurrer; and we see, on the whole, no way of

reaching the conclusion, that the two decisions are in direct conflict. That being so, it is much to be lamented that the case of *Hills v. Croll* was not more prominently brought to the attention of Lord Cottenham, because we are thus left in doubt whether his Lordship was fully apprised of the extent to which Lord Lyndhurst's decision went, and we are therefore left to doubt how far his Lordship, if he had been so apprised, might have considered himself called upon to treat it as binding.

The principle of the decision in *Dietrichsen v. Cabburn* is, we conceive, this, that the equity for an injunction is independent of the jurisdiction of the court over the acts of the plaintiff; that, on a bill for an injunction, it is not necessary that there should be mutuality between the plaintiff and the defendant; and that, in a case where the plaintiff agrees to do something, and the defendant to abstain from doing something, the question is not, whether the court can perform the entirety of the double agreement,—not whether, if the situation of the parties were reversed, the defendant could compel the plaintiff to do that which he has agreed to do,—but whether, assuming that the court cannot, at the hearing, compel the plaintiff to do anything, it is, therefore, without jurisdiction to restrain the defendant from doing those acts which he has, in express terms, agreed not to do; and the doctrine of the Lord Chancellor is, that the court has jurisdiction to grant such an injunction, whether it is or is not able to direct performance of the entire agreement.

The case of *Rolfe v. Rolfe*, (above cited), which, as we have before observed, was not cited in *Dietrichsen v. Cabburn*, is consistent with, though it does not go the whole length of, the doctrine of that case. In *Rolfe v. Rolfe*, Sir L. Shadwell, in granting the injunction, put his decision on the ground that the positive agreement of the plaintiff, and the negative agreement of the defendant, were two distinct agreements; and that, though the court could not enforce the positive agreement, yet, as the bill did not pray specific performance of the whole contract, but only an injunction to restrain the breach of the negative contract, the court could enforce that contract. The difference, therefore, between the two decisions is, that the Vice-Chancellor appears to have thought it necessary, in order to support an injunction, that the two branches of the agreement should be quite separate, and that the bill should be merely for an injunction, and not for specific performance; while the Lord Chancellor treats it as quite immaterial whether the court can or cannot perform the whole agreement, holding the jurisdiction to grant an injunction to be quite independent of the question, whether the court has or has not any authority over the acts of the plaintiff.

In conclusion, we submit that the result of the authorities, as they at present stand, is this: *Rolfe v. Rolfe* modifies, but does not overrule, *Kemble v. Kean* and *Kimberley v. Jennings*. *Dietrichsen v. Cabburn* wholly overrules them, unless it is itself to be treated as of doubtful authority, in consequence of its having been decided without the attention of Lord Cottenham having been particularly called to the question, whether *Hills v. Croll* had not decided the very point.

C. S. D.

The late Right Hon. Sir Nicolas Conyngham Tindal, Knt., Lord Chief Justice of the Court of Common Pleas, appointed Isaac Jones, of Llanfyllin and Llanymynech, near Oswestry, in the county of Salop, Gent., to be one of the Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women, in and for the county of Montgomery; also in and for the counties of Denbigh and Salop.

## Imperial Parliament.

### HOUSE OF LORDS.

Thursday, Aug. 6.

The Small Debts Bill was read a third time and passed.

### HOUSE OF COMMONS.

Thursday, Aug. 6.

The Religious Opinions Bill was read a third time, and ordered to be reprinted with amendments, and brought up for reconsideration on Monday.

The Court of Common Pleas Bill was read a third time and passed.

## London Gazette.

TUESDAY, August 4.

### BANKRUPTS.

**WILLIAM HENRY COX**, College-wharf, Belvidere-road, Lambeth, Surrey, barge and boat builder, dealer and chapman, Aug. 13 at 2, and Sept. 9 at half-past 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Rickson & Sons, Jewry-st., Aldgate.—Fiat dated Aug. 1.

**ISAAC BIRD**, Harrow-on-the-Hill, Middlesex, grocer and cheesemonger, dealer and chapman, Aug. 11 at half-past 1, and Sept. 11 at half-past 12, Court of Bankruptcy, London: Off. Ass. Alsager; Sols. Lawrance & Pews, 14, Old Jewry-chambers.—Fiat dated July 30.

**JAMES COVEL MORRIS**, Curtain-road, Shoreditch, Middlesex, cabinet maker, dealer and chapman, Aug. 17 at 11, and Sept. 9 at 2, Court of Bankruptcy, London: Off. Ass. Alsager; Sols. Hine & Robinson, Charter-house-sq.—Fiat dated July 28.

**FREDERICK WATERS**, Church-street, Hackney, Middlesex, cheesemonger, dealer and chapman, Aug. 14 at half-past 1, and Sept. 10 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Pile, Hatton-garden.—Fiat dated July 30.

**ANTHONY TURNER EDWARDS**, Idol-lane, Tower-st., London, bricklayer and builder, dealer and chapman, Aug. 11 and Sept. 9 at half-past 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Young & Son, Mark-lane.—Fiat dated Aug. 1.

**JAMES PRITCHARD**, Seymour-place, Camden-town, Middlesex, butcher, Aug. 11 at 2, and Sept. 11 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Comyn, Lincoln's-inn.—Fiat dated July 29.

**EDWARD WEDGWOOD PHILLIPS**, Bishopsgate-street, London, dealer in glass and china, and chapman, Aug. 11 at 11, and Sept. 9 at 12, Court of Bankruptcy, London: Off. Ass. Alsager; Sols. Hine & Robinson, Charter-house-square.—Fiat dated July 27.

**SAMUEL TIPPLE**, Norwich, tailor and draper, dealer and chapman, Aug. 13 at 1, and Sept. 9 at 11, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Dickson & Overbury, Frederick's-place, Old Jewry.—Fiat dated July 15.

**THOMAS WILLIAM CLARK**, Strood, Kent, licensed common brewer, Aug. 13 at 12, and Sept. 15 at 2, Court of Bankruptcy, London: Off. Ass. Green; Sol. Davies, Devonshire-square.—Fiat dated July 24.

**SAUL SAMUEL and WALTER SAMUEL**, Birmingham, woollen drapers and tailors, dealers and chapmen, Aug. 13 and Sept. 17 at 1, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Hodgson, Birmingham; J. & J. H. Linklater, 115, Leadenhall-street, London.—Fiat dated July 28.

**JOHN CAINES**, Chilton Cantels, Somersetshire, corn dealer, dealer and chapman, Aug. 18 and Sept. 8 at 11, District Court of Bankruptcy, Exeter: Off. Ass. Herniman; Sols. Terrell, Exeter; Slade & Vining, Yeovil; Trehorn & Co., Barge-yard chambers, Bucklersbury, London.—Fiat dated July 25.

**JOHN PAYNE**, Bristol, millwright and engineer, Aug. 18 and Sept. 22 at 12, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sols. Peters & Abbot, Bristol.—Fiat dated Aug. 1.

**WILLIAM BLANSHARD**, Pudsey, Calverley, Yorkshire, grocer and provision dealer, dealer and chapman, Aug. 18 and Sept. 4 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Sanderson, Leeds; Rushworths, Staple Inn, London.—Fiat dated July 28.

**WILLIAM WATSON**, Hardcastle, Ripon, Yorkshire, lead merchant, Aug. 19 and Sept. 16 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Paget, Skipton, Yorkshire; Courtenay, Leeds; Harris, Stone-buildings, Lincoln's-inn, London.—Fiat dated July 17.

**THOMAS WINFIELD**, Bristol, potter, dealer and chapman, (trading at Baptist-mills, with Daniel White, under the style or firm of D. White & Co.) Aug. 18 at 1, and Sept. 15 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sol. Brown, Bristol.—Fiat dated July 30.

**HENRY FRANCIS ALDRIDGE**, Liverpool, music seller, Aug. 18 and Sept. 22 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Greene, Liverpool; Maples & Co., Old Jewry, London.—Fiat dated July 29.

**THOMAS SIDDORN**, Liverpool, ironmonger, dealer and chapman, Aug. 18 and Sept. 22 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Rogerson & Radcliffe, Liverpool; Gregory & Co., Bedford-row, London.—Fiat dated July 31.

**PRESCOTT CORLESS**, Wigan, Lancashire, tea dealer and grocer, dealer and chapman, Aug. 18 and Sept. 15 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Pemberton, Liverpool: Cornthwaite & Co., Old Jewry, London.—Fiat dated July 23.

**HENRY COWIE** and **JAMES CLARK**, Liverpool, merchants, ship owners, ship brokers, and commission agents, dealers and chapmen, (trading under the firm of Cowie & Clark), Aug. 18 and Sept. 22 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Thompson, Liverpool; Norris & Co., Bartlett's-buildings, London.—Fiat dated July 29.

#### MEETINGS.

*John Tubb*, Basingstoke, Hants, draper, Aug. 15 at 12, Court of Bankruptcy, London, last ex.—*Wm. George Bradford*, Bucklersbury, London, tailor, Aug. 6 at half-past 11, Court of Bankruptcy, London, aud. ac.—*Thomas Metcalfe*, Prince's-street, Red Lion-square, Middlesex, carpenter, Aug. 6 at 11, Court of Bankruptcy, London, aud. ac.—*James Whitelaw* and *Thomas Whitelaw*, Litchfield-street, Soho, and Store-street, Bedford-square, Middlesex, builders, Aug. 6 at half-past 11, Court of Bankruptcy, London, aud. ac.—*John White*, St. Benet's-place, Gracechurch-street, London, wine merchant, Aug. 6 at 11, Court of Bankruptcy, London, aud. ac.—*Wm. Belshaw*, Manchester, licensed victualler, Aug. 27 at 11, District Court of Bankruptcy, Manchester, aud. ac.; Aug. 28 at 11, div.—*Wm. Blundell* and *Robert Fulk*, Liverpool, merchants, Aug. 28 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*J. Holman Suckling*, Birmingham, ironmonger, Aug. 25 at 10, District Court of Bankruptcy, Birmingham, aud. ac.—*Thos. Bemrose*, Spalding, Lincolnshire, grocer, Aug. 25 at 10, District Court of Bankruptcy, Birmingham, aud. ac.—*Wm. Baynes Smith*, Sedgley, Staffordshire, iron master, Aug. 25 at 10, District Court of Bankruptcy, Birmingham, aud. ac.

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on the Day of Meeting.*

*John Gisborne*, Coleman-st., London, merchant, Aug. 27 at 2, Court of Bankruptcy, London.—*Robert Perry*, Brighton, Sussex, draper, Aug. 27 at 11, Court of Bankruptcy, London.—*John D. Paine*, Hatcham, Surrey, and Duke-street, Westminster, Middlesex, printer, Aug. 26 at half-past 1, Court of Bankruptcy, London.—*Chas. Fred. Ellerman*, Philpot-lane, London, commission merchant, Aug. 29 at 12, Court of Bankruptcy, London.—*Wm. Filbey*, Wryadisbury, Buckinghamshire, coach maker, Aug. 26 at half-past 11, Court of Bankruptcy, London.—*Paul Shawson* and *Thos. B. Young*, Louth, Lincolnshire, chemists, Aug. 26 at 10, Town-hall, Kingston-upon-Hull.—*James Edwards*, Birmingham, iron founder, Aug. 29 at 12, District Court of Bankruptcy, Birmingham.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before Aug. 25.*

*Thos. Taylor*, Newcastle-upon-Tyne, grocer.—*John Hayes*,

Newton, Manchester, manufacturing chemist.—*James Roe*, Manchester, drysalter.—*Hen. Dunnington*, Nottingham, glove manufacturer.—*Wm. Fox* and *Jas. Fox*, Manchester, oil and colourmen.—*Richard Lewis*, Wootton-under-Edge, Gloucestershire, woollen manufacturer.—*Maria Bird*, Cheltenham, Gloucestershire, milliner.—*Wm. Fisher*, York-place and Ordinance-road, St. John's-wood, Mary-le-bone, Middlesex, commission agent.—*Owen Hughes*, Holyhead, Isle of Anglesea, Carnarvonshire, linen draper.—*Wm. Andrews*, Fenchurch-st., London, wholesale mahogany merchant.—*David Thomson*, Walmersley-cum-Shuttleworth, Bury, Lancashire, bleacher.—*Robert Smith*, Sussex-st., Tottenham-court-road, Middlesex, cabinet maker.—*John Wm. Pitech*, Sackville-street, Piccadilly, Middlesex, tailor.

#### FIAT ANNULLED.

*John Sugden*, Steeton, near Keighley, Yorkshire, worsted manufacturer.

#### PARTNERSHIP DISSOLVED.

*James Hen. Geo. Pierson* and *Rich. G. Tucker*, Tiverton, Devonshire, attorneys and solicitors.

#### SCOTCH SEQUESTRATIONS.

*Fred. A. Lyon*, Edinburgh, cutler.—*And. Brown*, Calton, Glasgow, cow feeder.—*W. Boyne, jun.*, Nether-ton of Grange, near Forres, Elgin, cattle dealer.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Edw. Fred. Malcolm*, Hammersmith, Middlesex, omnibus time keeper, Aug. 7 at 11, Court of Bankruptcy, London.—*John Thos. Place*, Morton, Surrey, out of business, Aug. 7 at half-past 11, Court of Bankruptcy, London.—*Jas. Lever*, Chapel-st. and Bell-st., Edgeware-road, Middlesex, beer-shop keeper, Aug. 7 at 11, Court of Bankruptcy, London.—*Wm. Thos. Revill*, Sidmouth-st., Gray's-inn-lane-road, Middlesex, Aug. 7 at half-past 12, Court of Bankruptcy, London.—*Jas. Wickings*, Maidstone, Kent, carpenter, Aug. 7 at half-past 1, Court of Bankruptcy, London.—*Hen. Harris*, East Greenwich, Kent, manufacturer of glaziers' diamonds, Aug. 7 at half-past 12, Court of Bankruptcy, London.—*Hen. Welfare*, Union-st., Southwark, Surrey, furrier, Aug. 7 at half-past 12, Court of Bankruptcy, London.—*Thos. Baldwin*, Charles-st., City-road, Middlesex, paper hanger, Aug. 7 at half-past 11, Court of Bankruptcy, London.—*Wm. Elgar*, Thornton-st., Dockhead, Surrey, tobaccoconist, Aug. 7 at half-past 11, Court of Bankruptcy, London.—*Wm. S. Williams*, Harmood-st., Hampstead-road, Middlesex, clerk to a bookseller, Aug. 7 at half-past 11, Court of Bankruptcy, London.—*John S. Heath*, Ranelagh-st., Pimlico, Middlesex, brush maker, Aug. 7 at 12, Court of Bankruptcy, London.—*Henry Watson*, Reading, Berkshire, plumber, Aug. 7 at 12, Court of Bankruptcy, London.—*Geo. Plow*, Thurlton, near Loddon, Norfolk, boot and shoe maker, Aug. 7 at 11, Court of Bankruptcy, London.

#### Saturday, Aug. 1.

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*James Williams*, Woolwich, Essex, carpenter, No. 58,030 T.; *Gastrill Wilkins*, assignee.—*John Liptrott Findley* the younger, Westbromwich, Staffordshire, tailor, No. 61,398 C.; *Wm. Seal* and *John R. Bousfield*, assignees.—*Ralph Crozier Coates*, Old Elvet, Durham, grocer, No. 67,381 C.; *John Robson*, assignee.—*Wm. Wright Slater*, Winterley-cottage, near Sandbach, Cheshire, agent for the sale of bricks, No. 67,411 C.; *Edward Cox*, assignee.—*Michael A. Hughes*, Lincoln, coach builder, No. 67,428 C.; *Thomas Uppill* and *John Richard Battle*, assignees.—*Joseph Dickson*, Macclesfield, Cheshire, tea dealer, No. 67,521 C.; *Wm. Geddes*, assignee.—*Edward Jones*, Ruthin, Denbighshire, maltster, No. 67,561 C.; *Wm. Andrews*, assignee.—*Wm. Weeks*, Bath, Somersetshire, victualler, No. 67,573 C.; *James Frowd*, assignee.—*Hugh Pierce*, Abergell, Denbighshire, druggist, No. 37,439 C.; *Thomas Eyre*, new assignee, in place of *James Hall*, deceased.



Saturday, Aug. 1.

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*John Jasper Wright*, Hampton, Middlesex, out of employ: in the Debtors Prison for London and Middlesex.—*William Orlando Day*, Cole-street, Trinity-square, Southwark, Surrey, clerk to a solicitor: in the Gaol of Surrey.—*James Wells*, St. Ann's-lane, London, woollen draper: in the Debtors Prison for London and Middlesex.—*Thomas Best*, Church-place, Bedford-street, Covent-garden, Middlesex, artist: in the Debtors Prison for London and Middlesex.—*John Webb*, Holywell-street, Millbank, Westminster, Middlesex: out of business: in the Debtors Prison for London and Middlesex.—*Francis Harrison*, Tottenham-court-road, Middlesex, furnishing ironmonger: in the Queen's Prison.—*Henry Marley*, Bristol, shopkeeper: in the Gaol of Bristol.—*Thomas East*, Lower Heyford, Oxfordshire, baker: in the Gaol of Oxford.—*William Bury*, Blackburn, Lancashire, out of business: in the Gaol of Lancaster.—*John Augustus Noel*, South Shields, Durham, clerk to a wine merchant: in the Gaol of Durham.—*John Nock*, Oldbury, Worcestershire, milkman: in the Gaol of Worcester.—*John Utley*, Harbottom, near Kettlewell, in Craven, Yorkshire, labourer: in the Gaol of York.—*George Frederick Webb*, Margate, Kent, out of business: in the Gaol of Dover.—*John Pentelow Ivens*, Woodford, near Thrapston, Northamptonshire, out of business: in the Gaol of Northampton.—*Henry Barton*, Nottingham, horse dealer: in the Gaol of Nottingham.

*(On Creditor's Petition).*

*Richard Smith*, Lichfield, tallow chandler: in the Debtors Prison.

FRIDAY, AUG. 7.

#### BANKRUPTS.

**WILLIAM ASHDOWN**, Chatham, Kent, ironmonger, dealer and chapman, Aug. 17 at half-past 11, and Sept. 18 at 1, Court of Bankruptcy, London: Off. Ass. Alsager; Sols. Wickham, Stroud; Whitelock, Aldermanbury.—Fiat dated Aug. 3.

**SAMUEL MILTON**, Barking, Essex, sail maker, Aug. 13 and Sept. 19 at 11, Court of Bankruptcy, London: Off. Ass. Green; Sols. Griffin, Ilford; Shoubridge & Co., Bedford-row.—Fiat dated July 28.

**HENRY CLARK**, late of Watling-street, London, brush manufacturer, but now of Stapleford Abbots, Essex, out of business, Aug. 22 at half-past 1, and Sept. 12 at half-past 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Kinder & Sorrell, 25, Jewry-street, Aldgate.—Fiat dated Aug. 4.

**ZACCHEUS PEARCE**, Bradford, Wiltshire, clothier, Aug. 21 and Sept. 18 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sol. Merrick, Bradford.—Fiat dated July 23.

**THOMAS HENRY SPENCE**, Newcastle-upon-Tyne, tailor and draper, Aug. 14 at 12, and Sept. 10 at half-past 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Harle, Newcastle-upon-Tyne; Chisholme & Co., 64, Lincoln's-inn-fields, London.—Fiat dated July 31.

**WILLIAM CHAMBERS**, Southwick, Durham, shipwright and ship builder, Aug. 14 and Sept. 10 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Wakley; Sols. Hartley, Durham; G. P. D. Rha Philipe, Gray's-inn, London.—Fiat dated July 30.

**ANN HALL**, Manchester, innkeeper and victualler, Aug. 19 and Sept. 9 at 11, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Bagshaw & Co., Manchester; Johnson & Co., Temple, London.—Fiat dated July 29.

**ROBERT RUSSELL and RICHARD RAMSBOTTOM**, Salford, Lancashire, joiners and builders, (carrying on business under the firm of Russell & Ramsbottom), Aug. 19 and Sept. 9 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Makinson, Manchester; Gregory & Co., 1, Bedford-row, London.—Fiat dated July 24.

**JAMES WARD**, Birmingham, dealer in glass, glass cutter, dealer and chapman, Aug. 18 and Sept. 15 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sol. Suckling, Birmingham.—Fiat dated July 25.

**JOHN CAINES**, Chilton Cantelo, Somersetshire, corn dealer, dealer and chapman, Aug. 18 and Sept. 8 at 11, District Court of Bankruptcy, Exeter: Off. Ass. Hernaman; Sols. Terrell, Exeter; Slade & Vining, Yeovil; Trehorn & Co., Barge-yard-chambers, Bucklersbury, London.—Fiat dated July 25.

#### MEETINGS.

*John Dailey and Alfred Inskip*, Long-lane, Bermondsey, Surrey, leather manufacturers, Aug. 17 at 12, Court of Bankruptcy, London, last ex.—*John Wm. Pitsch*, Sackville-street, Piccadilly, Middlesex, tailor, Aug. 28 at half-past 1, Court of Bankruptcy, London, aud. ac.—*Hannah Walduck*, Nelson-square, Blackfriars-road, Surrey, widow, Aug. 28 at 11, Court of Bankruptcy, London, aud. ac.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*J. Partridge*, Cheltenham, Gloucestershire, coal merchant, Aug. 31 at 1, District Court of Bankruptcy, Bristol.—*Wm. H. Smith*, Swansea, Glamorganshire, newspaper proprietor, Aug. 31 at half-past 11, District Court of Bankruptcy, Bristol.—*Jas. Edwin Hudson Jolliffe*, Dardham-down, Westbury-upon-Trym, Gloucestershire, and Bristol, chymist, Aug. 31 at 1, District Court of Bankruptcy, Bristol.—*John Andrews*, Hill-house, near Huddersfield, Yorkshire, commission agent, Aug. 29 at 11, District Court of Bankruptcy, Leeds.—*John Fletcher Corbett*, Worcester, scrivener, Sept. 1 at 11, District Court of Bankruptcy, Birmingham.—*Jas. Evans*, Haywood-lodge, Herefordshire, cattle dealer, Aug. 29 at 12, District Court of Bankruptcy, Birmingham.—*James Waterhouse*, Salford, and *Robt. Sutton*, Cheetham, Manchester, calico printers, Sept. 1 at 12, District Court of Bankruptcy, Manchester.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Aug. 28.*

*Philip Vaughan*, Brecon, scrivener.—*E. Clifford*, Minster, Isle of Sheppey, Kent, victualler.—*Shadrach Wesley*, Long Buckby, Northamptonshire, baker.—*John Green*, Yarmouth, Norfolk, coal merchant.—*Edmondson Cooban*, Liverpool, common brewer.—*Wm. Rowlandson*, Wakefield, Yorkshire, surgeon.—*John Owenseth Harvey*, Newark, Nottinghamshire, grocer.—*J. Cooke*, Cheltenham, Gloucestershire, auctioneer.—*J. Harrison*, Kingston-upon-Hull, ship chandler.—*Wm. Cooper*, Bury St. Edmund's, Suffolk, hardwareman.—*Thomas Maguire*, Birmingham, draper.—*Chas. Bailey*, Garlick-hill, London, wholesale druggist.

#### FIATS ANNULLED.

*James Ryley Kenworthy*, Liverpool, druggist.—*R. Hayes Easum*, Commercial-road East, Stepney, Middlesex, rope maker.

#### SCOTCH SEQUESTRATIONS.

*Alex. Scot*, Trinity, writer to the signet, deceased.—*Alex. Cumming*, Uist and Skye, cattle dealer.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Roger Leech* the elder, Toxteth-park, Lancashire, not engaged in any employment or business, Aug. 11 at half-past 10, District Court of Bankruptcy, Liverpool.—*Francis Collins*, Hereford, attorney, Sept. 15 at 10, District Court of Bankruptcy, Birmingham.—*John Ankrett*, Wednesbury, carpenter, Aug. 14 at 12, District Court of Bankruptcy, Birmingham.—*John Ingles*, Goodrich, Herefordshire, out of business, Aug. 14 at 10, District Court of Bankruptcy, Birmingham.—*Sarah Wilson*, Penlington-place, Hercules-buildings, Lambeth, Surrey, out of business, Aug. 24 at half-past 12, Court of Bankruptcy, London.—*Henry Harrild*, Sun-row, Tibberton-square, Islington, Middlesex, engineer, Aug. 21 at 10, Court of Bankruptcy, London.—*Joshua Robinson*, High Harrogate, Yorkshire, licensed auctioneer, Aug. 12 at 11, District Court of Bankruptcy, Leeds.—*John Bisby*, Leeds, Yorkshire, out of business, Aug. 12 at 11, District Court of Bankruptcy, Leeds.—*John Alderson*, Bowling, Bradford, Yorkshire, grocer, Aug. 12 at 11, District Court of Bankruptcy, Leeds.—*Edw. Pearce*, Scarborough, Yorkshire, hatter, Aug. 11 at 11, District Court of Bankruptcy, Leeds.—*Wm. Dibb*, Swinnow, Bramley, Leeds, Yorkshire, farrier, Aug. 11

at 11, District Court of Bankruptcy, Leeds.—*Robert J. Higgins*, Bradford, Yorkshire, commission agent, Aug. 18 at 11, District Court of Bankruptcy, Leeds.—*Edwin Jones*, Newport, Monmouthshire, retailer of beer, Aug. 25 at half-past 11, District Court of Bankruptcy, Bristol.—*Charles U. Peis*, Chorlton-upon-Medlock, Manchester, book-keeper, Aug. 19 at 12, District Court of Bankruptcy, Manchester.

Wednesday, Aug. 5.

Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—  
(On their own Petitions).

*John Riley*, Westbeech-park-villas, Paddington, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Jas. Edw. Carnegie*, Upper Stamford-st., Blackfriars-road, Surrey, gentleman: in the Queen's Prison.—*Josiah Taylor*, Pall-mall, Middlesex, picture dealer: in the Queen's Prison.—*Joseph Wm. Newton*, Margate, Kent, master seaman: in the Queen's Prison.—*John Henry Dow*, King William-st., Strand, accountant: in the Debtors Prison for London and Middlesex.—*John Wilkinson*, Clitheroe, Lancashire, attorney at law: in the Gaol of Lancaster.—*George Adams*, Hereford, superintendent of police: in the Gaol of Hereford.

The Queen has been pleased to confer the honour of knighthood upon John Jervis, Esq., her Majesty's Attorney-General.

The Queen has been pleased to appoint Samuel Nicholas Rooks, Esq., to be her Majesty's Solicitor-General for the Island of Tobago.

**MASTERS IN CHANCERY.**—The Lord Chancellor has appointed the following gentlemen Masters Extraordinary in the high Court of Chancery:—*Samuel Milner Barton*, of Manchester, and *John William Cudworth*, of Leeds.

**MEMBERS RETURNED TO SERVE IN PARLIAMENT.**—*David Dundas*, Esq., her Majesty's Solicitor-General, was re-elected for the county of Sutherland; *Richard Smithwick*, Esq., in the room of the Hon. Pierce Butler, deceased, for the county of Kilkenny.

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Printed by WALTER M'DOWALL, PRINTER, residing at No. 4, Pemberton Row, Gough Square, in the Parish of St. Bride, in the City of London, at his Printing Office, situate No. 5, Pemberton Row aforesaid; and Published at No. 3, CHANCERY LANE, in the Parish of St. Dunstan in the West, in the City of London, by HENRY SWEET, LAW BOOKSELLER and PUBLISHER, residing at No. 11, John Street, Bedford Row, in the County of Middlesex. Saturday, August 8, 1846.

# The Jurist

No. 501—VOL. X.

AUGUST 15, 1846.

PRICE 1s.

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LONDON, AUGUST 15, 1846.

THE provisions of the 4 Geo. 2, c. 28, concerning actions of ejectment by landlords against their tenants, are familiar to our readers. By that statute considerable facilities were afforded to landlords, and the difficulties created by the formalities which the common law required to be observed in enforcing rights of re-entry were removed. By the 2nd section in particular it was enacted, "That, in all cases between landlord and tenant, as often as it shall happen that one half-year's rent shall be in arrear, and the landlord or lessor to whom the same is due hath right by law to re-enter for the non-payment thereof, such landlord or lessor shall and may, without any formal demand or re-entry, serve a declaration in ejectment for the recovery of the demised premises; and in case of judgment against the casual ejector, or nonsuit for not confessing lease, entry, and ouster, it shall be made appear to the court where the suit is depending by affidavit, or be proved upon the trial in case the defendant appears, that half-a-year's rent was due before the declaration was served, and that no sufficient distress was to be found on the demised premises, countervailing the arrears then due, and that the lessor or lessors in ejectment had power to re-enter, then, and in every such case, the lessor or lessors in ejectment shall recover judgment and execution, in the same manner as if the rent in arrear had been legally demanded, and a re-entry made."

The reader will observe, that, by the terms of the above section, its provisions are to be applicable to cases where the landlord hath right by law to re-enter for the non-payment of the rent. In our last number a case is reported, which shews what is the meaning to be attached to these words, and, as the decision has an important bearing upon the provisions usually inserted in leases, and ought to be well known to those who

are in any way concerned in preparing them, we think we may usefully give it a more prominent place in our pages than it occupies in the columns of reports. There may be some of our readers by whom a common-law case, though relating to their own more peculiar branch of the law, would escape being noticed. In *Doe d. Darke v. Bowditch*, an action of ejectment had been brought under the provisions of the statute we have referred to. The clauses in the lease were very inartificially drawn, but the reasonable construction, and that which was put upon them by the court, was, that, upon non-payment of the rent reserved, the lessor might enter and hold the premises until the arrears were satisfied. *Prima facie*, this would be within the terms of the statute, viz. a right by law to re-enter for the non-payment of the rent. But, upon closer examination, various reasons suggest themselves for putting a limited construction upon those words; and the Court of Queen's Bench have held, and apparently rightly, that the statute did not apply to such a case. The precise words of the condition were, "to enter on the premises for the same until it be fully satisfied;" and the period for which the landlord was to be entitled to hold the premises was therefore limited to the time during which the arrears remained unpaid. But, by the statute, unless the tenant pays the arrear of rent within six months, the lease is to be absolutely forfeited, which was not intended by the parties, nor is within the terms of the condition. It was upon this ground that the court made their decision. "The object," says that portion of the judgment, "of the 2nd section of the 4 Geo. 2, c. 28, appears, by the preamble, to have been, to remove the inconvenience to landlords from the niceties attending re-entries at common law, and from the obtaining injunctions in equity, and it provides, that, where half-a-year's rent is due, and the landlord has a right to re-enter for non-payment, the



service of a declaration in ejectment, in the manner pointed out by the statute, shall stand in the place of a demand and re-entry; and if the tenant appears, and it is proved that half-a-year's rent was due, and no sufficient distress upon the premises when the declaration was served, and that the landlord had power to re-enter, then the landlord shall recover judgment and execution in the same manner as if there had been a demand and re-entry. If the statute had stopped there, the plaintiff in the present case might have been entitled to avail himself of it, assuming that half-a-year's rent was due, and that there was no sufficient distress upon the premises, as he had a right to re-enter upon non-payment of rent, and the only effect of the statute would have been to relieve the plaintiff from the common-law formalities of the demand and formal re-entry, and he would have recovered possession of the premises, to hold until the arrear of rent was satisfied, when the lessee would be entitled to re-enter under his lease.

"The statute, however, goes on, in the same section, to say, 'that, in case the lessee shall permit or suffer judgment to be recovered on such ejectment, and execution to be executed thereon, without paying the rent and arrears, together with full costs, and without filing any bill for relief in equity within six calendar months after such execution executed, then the lessee shall be barred and foreclosed from all relief or remedy in law or equity, other than by writ of error for reversal of the judgment, in case the same shall be erroneous, and the landlord shall from thenceforth hold the premises discharged from the lease.'

"The latter part of the 2nd section applies to the whole; and, if the right to re-enter in the present case is within the meaning of the statute, the effect would be, that, unless the tenant paid the arrear of rent within six months, the lease would be absolutely forfeited, though the condition is merely that the landlord shall enter and hold until the arrears are paid, and the statute would enlarge the terms of the condition, and create a forfeiture where none was intended by the parties. We are of opinion that the statute was not intended so to operate, but that its application is to those cases only where the right to re-enter is absolute, and not, as in this case, *quo usque*; and the lease upon such re-entry is forfeited."

But, although not within the statute, the landlord might, in the case we have been considering, bring an ejectment at common law. In *Co. Litt. 202. b.*, the case is put. (*Litt. s. 327*). The feoffor or lessor may enter and hold the land, and take the profits, until the rent is satisfied, with the distinction, important at common law, and, therefore, necessary to be remembered in case the lessee has to bring ejectment to recover back the land, but not admitted in equity, that where the condition is, that, if the rent be behind, the lessor shall re-enter and take the profits until thereof he be satisfied, there the profits shall be accounted as parcel of the satisfaction, and, during the time that he so taketh the profits, he shall not have an action of debt for the rent, for the satisfaction whereof he taketh the profits. But if the condition be that he shall take the profits until the feoffor or lessor be satisfied or paid of the rent, without saying "thereof," or to the

like effect, then the profits shall be accounted no part of the satisfaction, but to hasten the lessee to pay it, and, as Littleton saith, that, until he be satisfied, he shall take the profits to his own use. (*Co. Litt. 203. a.*) It is said, however, that the feoffor or lessor gaineth no estate of freehold, but only an interest by the agreement of the parties to take the profits in nature of a distress. We see, therefore, that, long before the 4 Geo. 2, c. 28, there was a wide distinction between a general condition, that a lessor should re-enter upon the demised premises, and a special condition, that he should enter and hold until payment or satisfaction of the arrears of rent. At the time that act was passed, the Legislature most probably intended, that where a landlord had to bring an action of ejectment, whether in pursuance of a general or a special condition, he should be released from the formalities imposed by the common law. It now turns out, however, that the statute has been so framed as to exclude the latter case; and in preparing leases, therefore, care must be taken in future to adopt the general condition creating an absolute forfeiture of the lease, and not the special and more equitable condition, that the lease shall be quasi forfeited, so long only as the rent remains unpaid. The decision appears to us to be of much practical importance, and one which, as we said before, called for an especial notice.

### Correspondence.

TO THE EDITOR OF "THE JURIST."

Sir,—It is very much to be regretted that *THE JURIST* should indulge in such rambling and declamatory abuse of conveyancers, as is contained in the number of the 1st August. The manner in which the qualifications of the conveyancer, his functions, and his motives, are there depicted, I must be excused for characterising as very unbecoming and improper. Nor is it the first time only that the same pen (for I think the article may safely be attributed to the writer of previous papers on Conveyancing Reform) has been engaged in traducing and holding up to ridicule this most useful and honourable portion of the Bar. It behoves, I think, a journal such as yours to evince somewhat more of respect and deference for a body of gentlemen, inferior to none in the profession for honour, independence, integrity, and talent. Wholesale imputations of motives, such as those made against the conveyancing Bar, prove nothing but the unfitness of the writer to discuss the subject at all, and the worthlessness of any theory based upon such insinuations. I always understood that *THE JURIST* was a journal representing the *Profession of the Law*, whereas, if one were to go over the numbers of that periodical for two years past, it would appear difficult to find any object more predominant than the issue of sneers, diatribes, and invectives against those upon whom devolves the practical administration of our entire system of property jurisprudence. A large body of men, educated, respectable, and talented, are not generally found to be so thoroughly wrong and depraved as the writer of the *review* would have your readers to believe with respect to the conveyancers. In their name I pronounce the attack of that opinionated person to be in bad taste, to be founded in ignorance and conceit, to be untrue, unjust, and utterly discreditable.

I am quite willing to believe that the insertion of such articles in your journal is by inadvertence merely, but the fact that this is a *repetition* of former sallies of a similar kind forbids any further silence on the part of,

Sir, your obedient servant,

A BARRISTER IN EXTENSIVE PRACTICE.



Our correspondent is not the only member of the profession whom it has been our misfortune to offend in the course of our observations on the state of conveyancing practice. He entirely misunderstands us, and wastes his indignation on an imaginary offence. We have not made any attack upon the conveyancers; but, since their friends are anxious not merely to exculpate, but to exalt and glorify that respectable body of lawyers, we shall take occasion, while replying to our correspondent's charge, to consider what are the claims of conveyancers on the gratitude and esteem of society at large.

As the offensive passages are fortunately not long, we reprint them:—

"It is to conveyancers that we chiefly owe the absurdities and abuses of the existing system, and it is on conveyancers alone that the discredit, such as it is, of the recent abortive attempts at reform must rest."

"The truth is, that the successful amendment of any time-worn social machinery requires the co-operation of many qualifications which are seldom united in the same individual, and which, distributed among several, cannot easily be brought together and concentrated with effect upon a given object. And, though the conveyancer is, or ought to be, the most shifty of the children of the law, yet his professional habits are not well fitted for the training of an accomplished reformer. To recognise in a general principle only the fruitful parent of an infinite variety of deformed but powerful and tyrannous dwarfs called 'exceptions and qualifications,' (the issue of a polygamous intercourse with sophistry, pedantry, ignorance, error, and expediency); to seek on all doubtful points, not the true rule, but a course consistent, if possible, with the worse as well as the 'better opinion'; to ask, at every turn, not 'Is this right?' but, 'What will the Profession, what will an unlearned judge, or an ignorant or timid practitioner, or a captious purchaser, say to this?' ever to consider private interest as paramount to public convenience; to abet his client in roasting his own eggs in the embers of his neighbour's house; daily to read, compose, write, and comment upon countless folios of the most barbarous, tautologous, and absurd jargon; in short, on every occasion systematically to eschew enlarged and general views, and to bestow equal consideration on form and substance, custom and reason; these are habits which must entirely disqualify any ordinary capacity for the successful development of a solid and comprehensive scheme of reform. Whatever may be the cause, certain it is, that, at present, the law owes no great debt to the conveyancers on the score of amendment."

Whether or not this be a diatribe, or rambling and declamatory in style, is a point of criticism which we need not discuss. We think it is not invective, or abuse, and we are sure that it contains no imputation of motives. Its propriety and becomingness will depend in some measure on its truth.

That conveyancers were the framers of the recent statutes relating to conveyancing, sufficiently appears in the article referred to,—that the absurdities and abuses of the existing system (i. e. the verbosity, complexity, and length of conveyances, the reform of which was the subject-matter of the article) might be removed by the conveyancer, without any assistance from without, we have shewn in former articles,—and we shall presently briefly repeat the demonstration. That they are alone answerable for what, under the existing law, is superfluous in conveyances, is an assertion which may pass without any formal proof.

"To recognise in a general principle only the parent of an infinite variety of exceptions" is the fate not only of the conveyancer, but of the adept in every other branch of the English law. Without referring to the statute-book, wherein Chaos rules supreme,

is not the direct course of the conveyancer perpetually thwarted by judicial currents, eddies, quicksands, rocks,—styled anomalies, exceptions, departures from principle? Was not Sophistry guilty of *Dunpor's case*, and the exclusion of the half-blood from inheritance,—Pedantry of *Lord Lincoln's case*, and the rule as to releases in Litt. s. 222,—Ignorance of *Doe v. Hilder*, and the hopeless perplexities of the learning as to the raising of uses within the Statute of Uses,—Error of *Toulmin v. Steer*, (3 Meriv. 216),—and Expediency of *Talliarum's case*? "The absurdity of *Lord Lincoln's case*," said Lord Mansfield, "is shocking." (Doug. 722). The settled rule for construing gifts over on failure of issue was pronounced by a Lord Chief Justice (Wilmut) to be "a monstrous absurdity," "a shameful abuse of language," "the most intolerable tyranny, the grossest barbarism," &c. (*Keeley v. Fowler*, Wilms. 408). That conveyancers must govern their practice by such rules is their misfortune, not their fault.

To endeavour to guard his client against the inconveniences which might flow from even the unfounded doubts of the ignorant or injudicious, is the conveyancer's duty; but the constant performance of such a duty tends to deaden the discriminative faculty and damp the courage which are necessary to a reformer.

"To consider private interest as paramount to public convenience, and to abet his client in roasting his own eggs in the embers of his neighbour's fire," may or may not be the duty of the conveyancer, in a moral point of view; but it certainly is not unfrequently his practice. What was the whole system of attendant terms, to which conveyancers clung so fondly, but a large egg-roasting establishment of the kind described? How does Mr. Preston lay down the rule as to searching for prior claims? "When the purchaser can obtain a clear title to a legal estate anterior to the period at which he would otherwise search for judgments, then, in practice, a search for judgments is not advised. The purchaser may rely on the legal estate, and the rule of equity which protects purchasers for a valuable consideration, and without notice." (Abstracts, vol. 3, p. 339). "The system [of protection from the legal estate] has a tendency in some cases to promote fraud: it may enable a party who has made a settlement to defeat it with greater facility. It appears, too, that, in some instances, it induces a system of selfish caution, with an indifference to the just claims of other persons, since some respectable practitioners have avowed, that, when an outstanding term can be obtained, they advise their clients to omit the usual inquiries by which the existence of intermediate incumbrances might be discovered, and to rely upon the legal estate to defeat them." (2nd Real Prop. Rep., p. 13). And the better to favour this sort of double dealing, it was the approved practice to keep the title to the inheritance altogether free of any allusion to the "attendant," but very independent term.

Lastly, we have said that conveyancers are in the habit of reading, composing, [compiling should have been the word], and commenting upon countless folios [not countless, for every word is counted, for the benefit of the revenue] of the most barbarous, tautologous, and absurd jargon. To put this assertion to a severe test, let us take the commencement of a marriage settlement given by a late celebrated conveyancer, as a model of that kind of draftmanship.

"Whereas a marriage is intended to be [shortly had and] solemnized between the said A. A. and C. B., and the said B. B. hath agreed to pay the sum of £— unto the said A. A. as [and for] the marriage portion of the said C. B., his daughter. Now this indenture witnesseth, that, in consideration of the said intended marriage, and of [the sum of] £— [of lawful money of Great Britain] to the said A. A. [in hand] paid by



the said B. B., [at or before the sealing or delivery of these presents, the receipt and payment whereof he the said A. A. doth hereby acknowledge, and of and from the same, and every part thereof, doth release and acquit the said B. B., his heirs, executors, administrators, and assigns, and every of them, for ever, by these presents, and for making such provision and settlement for and upon the said C. B., and the issue of the said intended marriage as hereinafter mentioned, and for settling and assuring the hereditaments hereinafter granted and released, or intended so to be, with the appurtenances, to the uses, upon the trusts, for the intents and purposes, and under and subject to the powers, provisos, declarations, limitations, and agreements hereinafter limited, expressed, and declared of and concerning the same; and for and in consideration of the sum of five shillings of like money to the said A. A. in hand paid by the said C. C. and C. E. at or before the sealing and delivery of these presents, (the receipt whereof is hereby acknowledged), he], the said A. A. [hath granted, bargained, sold, released, and confirmed, and by these presents] doth [grant, bargain, sell] release [and confirm] unto the said C. C. and C. E., [in their actual possession now being, by virtue of a bargain and sale to them thereof made by the said A. A., in consideration of five shillings, by indenture bearing date the day next before the day of the date hereof, for the term of one whole year, commencing from the day next before the day of the date of the same indenture of bargain and sale, and by force of the statute made for transferring uses into possession] and [to] their heirs, all &c., and all [houses, outhouses, edifices, buildings, barns, dove-houses, stables, yards, gardens, orchards, lights, easements, ways, waters, watercourses, commons, commodities, privileges, emoluments, advantages, hereditaments, and] appurtenances [whatsoever] to the said [messuages or tenements, lands and] hereditaments, [belonging or in anywise appertaining, or accepted, reputed, taken, or known as part, parcel, or member thereof, and the reversion and reversions, remainder and remainders, and yearly and other rents, issues, and profits of all and singular the premises], and all the [estate, right, title] interest *therein* [trust, property, claim and demand whatsoever] of [him] the said A. A., [of, in, to, or out of the said messuages, lands, tenements, hereditaments, and premises, and every of them, and every part and parcel of them, and every of them. To have and] to hold the said [messuages or tenements, lands] hereditaments [and other the premises hereby granted and released, or intended so to be, with their and every of their rights, members, and appurtenances] unto the said C. C. and C. E., and their heirs [for ever; nevertheless to the uses, upon the trusts, for the intents and purposes, and under and subject to the powers, provisos, limitations, declarations, and agreements hereinafter limited, expressed, and declared of and concerning the same, that is to say,] To the use &c." (2 Sand. Uses, 4th ed., p. 148).

The reading of a marriage settlement has been compared to a sojourn in the cave of Trophonius; but we defy even those who have just undergone the discipline to argue that the words we have inclosed within brackets are of any earthly use, and keep their gravity.

By casting the draft into a different form, it might be still further shortened; thus—

"This indenture, made &c., witnesseth, that, in consideration of a marriage intended between the said A. B. and C. B., and of the portion of £— paid by the said B. B. to the said A. B., the said A. A. grants unto the said C. C. and C. E., and their heirs, all &c., with their actual and reputed appurtenances, and all the interest of the said A. A. therein; to hold the said hereditaments unto the said C. C. and C. E., and their heirs. To the use," &c.

So much for verbosity. As a specimen of "bar-

barous, tautologous, and absurd jargon," take from the same authority the following covenant in a partition deed, that A. B. and his heirs, &c.,

"Shall and will from time to time, &c., upon every reasonable request, and at the proper costs and charges of the said J. F., his heirs or cestuis que use, or any of them, make, do, and execute, or cause or procure to be made, done, and executed, all such further and other lawful and reasonable acts, deeds, devices, conveyances, and assurances in the law whatsoever, for the further, better, and more perfectly and absolutely granting, conveying, and assuring the same messuages and other hereditaments, with the appurtenances, to the uses hereinbefore limited concerning the same, as by the said J. F., his heirs or cestuis que use, or any of them, or their or any of their counsel in the law, shall be reasonably advised, or devised and required," &c.

A. B. "shall" and his heirs "will"—"cestuis que use"—"any of their counsel," (meaning the counsel of any of them), will suffice for barbarism. With tautology the whole covenant is turgid; but, "will, upon every reasonable request, do such reasonable acts as shall be reasonably required;" "lawful acts in the law," &c., shew, that when synonyms fail, reiteration must be tried. Absurdity is stamped upon the whole by the words "or procure to be made," &c., which make the covenantor engage not only that himself and those claiming under him will execute further assurances, but that they will procure to be made all such further assurances as the purchaser shall require, and render the covenant, which was intended to be qualified, absolute. And these are the faults, not of a hasty sketch, but of common forms, which, during half a century, have been subjected to the daily scrutiny of an educated and liberal profession.

Our former article contained no attack upon the character of the conveyancers, but merely a description of their occupation. We now charge them, not with motives, but with the fact, that they have invented this insufferable conveyancing language, and have persevered in the use of it, in spite of remonstrance and ridicule, until they have driven the laity to seek relief against their own "counsel" at the hands of the Legislature. If this charge is unjust, it may be met in a better way than by calling names.

Need we add, that, in endeavouring to bring under discussion what we regard as grave defects in the practice of conveyancers, our object is to serve, and not to damage them—to make their practices more rational and useful, and therefore more agreeable, and more respectable and honourable. Commerce in land has vastly increased of late, and is rapidly increasing, and with this increase has arisen a demand for amendment of the system of transfer, which *will* be satisfied. If the leading conveyancers lend their aid to work out the details of those general schemes of reform which they cannot be expected to originate, they will secure to their order the praise of being something more than merely "educated, respectable, and talented;" but, if these "angels" of the law decline to tread the field of innovation, they will have to look on and weep, while "fools" rush in, and do the work in a very different fashion.

MEMBERS RETURNED TO SERVE IN PARLIAMENT.—Daniel O'Connell, jun., Esq., for the borough of Dundalk, in the room of Thomas Nicholas Redington, Esq., who has accepted the office of Under Secretary to the Lord Lieutenant of Ireland: The Right Hon. Lord Robert Grosvenor, Treasurer of her Majesty's Household, re-elected for the city of Chester; Benjamin Bond Cabbell, Esq., for the borough of St. Alban's, in the room of the Right Hon. William, Earl of Listowel, who has accepted the office of one of the Lords in Waiting on her Majesty.

## London Gazette.

TUESDAY, August 11.

## BANKRUPTS.

JOSEPH TURNER, Ludgate-hill, London, jeweller, Aug. 21 at half-past 10, and Sept. 25 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Fawcett, 44, Jewin-street, Cripplegate, and Hookley, Essex.—Fiat dated Aug. 8.

WILLIAM TUNLEY and RICHARD SMITH POTTS, Old Change, London, common carriers, Aug. 19 at 1, and Sept. 18 at 2, Court of Bankruptcy, London: Off. Ass. Alsager; Sol. Farrar, Doctors'-commons.—Fiat dated Aug. 6.

HENRY PARNELL, Moorgate-street-chambers, Moorgate-street, London, auctioneer, dealer and chapman, Aug. 20 and Sept. 25 at 11, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Warrant, Skinner-street.—Fiat dated Aug. 6.

WILLIAM HENRY MORTIMER, Lower Harley-street, St. Marylebone, Middlesex, wood paviour, and dealer in patent wood pavement, and also dealer in wooden blocks for paving, dealer and chapman, Aug. 20 at 11, and Sept. 25 at 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Berry, Verulam-buildings, Gray's-inn.—Fiat dated Aug. 6.

JAMES HAYWARD and DAVID ADAM, Paternoster-row, London, booksellers, dealers and chapmen, Aug. 22 at half-past 2, and Sept. 29 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Jerwood, 20, Thavies-inn, Holborn.—Fiat dated Aug. 6.

WILLIAM MITCHELL, Westerham, Kent, draper, dealer and chapman, Aug. 19 at 2, and Sept. 19 at 12, Court of Bankruptcy, London: Off. Ass. Green; Sol. Ashurst, Cheapside.—Fiat dated Aug. 3.

JOHN BISHOP, Manchester, painter and house decorator, (late carrying on business in Manchester, in copartnership with Robert Scott, deceased, under the firm of Scott & Bishop, as painters and house decorators, and more lately carrying on business in Manchester aforesaid, in copartnership with William Baker, under the firm of Bishop & Baker, as painters and house decorators), Aug. 22 and Sept. 12 at 1, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Pemberton, Liverpool; Cornthwaite & Adams, Old Jewry-chambers, London.—Fiat dated Aug. 6.

ALEXANDER SMITH and THOMAS IRVINE, Liverpool, merchants, dealers and chapmen, (trading in copartnership at Liverpool, under the firm of Smith & Irvine), Aug. 21 at 12, and Sept. 15 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Shackleton & Co.; Baxendale & Co., Great Winchester-street, London.—Fiat dated Aug. 7.

## MEETINGS.

Frederick Belloni, Shaftbury, Dorsetshire, clock maker, Aug. 21 at 11, Court of Bankruptcy, London, ch. ass.—Chas. Ball, Cheadle, Staffordshire, linendraper, Aug. 29 at 12, District Court of Bankruptcy, Birmingham, last ex.—John Boulton, Ashton-under-Lyne, Lancashire, carrier, Sept. 2 at 11, District Court of Bankruptcy, Manchester, last ex.—John Asley, Manchester, and Whitefield, Lancashire, nankeen and fustian manufacturer, Sept. 3 at 12, District Court of Bankruptcy, Manchester, last ex.—Henry Lewis, Llandoverly, Carmarthenshire, draper, Sept. 3 at 11, District Court of Bankruptcy, Bristol, aud. ac.; Sept. 4 at 11, div.—Nicholas Traperley, Westgate, Northumberland, ship owner, Sept. 4 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—Ann Robinson, Durham, linendraper, Sept. 4 at half-past 10, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—John Bird, North Shields, Northumberland, woollen draper, Sept. 4 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—Edw. Elwell, West Bromwich, Staffordshire, iron founder, Sept. 1 at 10, District Court of Bankruptcy, Birmingham, aud. ac. and fin. div.

## CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on the Day of Meeting.

Francis Rolfe, Great Marlborough-street, Middlesex, tailor, Sept. 3 at 11, Court of Bankruptcy, London.—George Fell-

Aouse, Dorcas-terrace, Fulham, Middlesex, plumber, Sept. 3 at half-past 11, Court of Bankruptcy, London.—James Philip, Bristol, wholesale stationer, Sept. 3 at 11, District Court of Bankruptcy, Bristol.—Sidney Smith, Bedminster, Bristol, grocer, Sept. 7 at 11, District Court of Bankruptcy, Bristol.—John Pearson, Newcastle-upon-Tyne, fall monger, Sept. 4 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne.—P. Hare, Liverpool, tallow chandler, Sept. 4 at 11, District Court of Bankruptcy, Liverpool.—Henry Williams, Llanrwst, Denbighshire, apothecary, Sept. 1 at 11, District Court of Bankruptcy, Liverpool.—J. Scott, Sheffield-moor, Sheffield, Yorkshire, flour dealer, Sept. 4 at 11, Cutler's-hall, Sheffield.—J. Holt, Castle Donnington, Leicestershire, lace glove manufacturer, Sept. 15 at 12, District Court of Bankruptcy, Birmingham.—George Longfield, West Bromwich, Staffordshire, tailor, Sept. 15 at 11, District Court of Bankruptcy, Birmingham.—James Buttrely, Manchester, commission agent, Sept. 2 at 12, District Court of Bankruptcy, Manchester.—Wheatley Kirk, Salford, Lancashire, sharebroker, Sept. 3 at 12, District Court of Bankruptcy, Manchester.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Sept. 1.

Charles Eicke, Rotherhithe, Surrey, railway spike manufacturer.—Wm. Edmond, Bombay, East Indies, and Thos. Edmond, Liverpool, merchants.—Joel Rudman, Bath, Somersetshire, oilman.—R. Carille Capleton, Cheltenham, Gloucestershire, tea dealer.—O. Johnson, Maldon and Great Braxted, Essex, corn dealer.—Edmond Thos. Allen, Castlegate, Yorkshire, apothecary.—Joseph Miller, Whittlebury-street, Hampstead-road, Middlesex, painter.—William Harding the elder, Johnson-street and Vincent-square, Westminster, and West-wharf, Millbank, all in Middlesex, mason.—Charles Best, St. James's-walk, Clerkenwell, Middlesex, printer.

## FIAT ANNULLED.

William Moynaux, Sandwich, Kent, innkeeper.—Thomas Redford, Croydon-common, Surrey, baker.

## PARTNERSHIPS DISSOLVED.

Thos. Tyndall, H. Witton Tyndall, and William Tyndall, Birmingham, attorneys, solicitors, and conveyancers.—Edmund Garbett and James Dulling, Wellington, Shropshire, attorneys and solicitors.

## SCOTCH SEQUESTRATIONS.

Wm. Cleland, Edinburgh, stock broker.—Thomas Hislop, Alloa, grocer.—Alex. Stewart, Redgorton, Perthshire, farmer.—Peter Stirling and John Stirling, Edinburgh, stablers.

## INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

Jon. Jas. Tarrant, Cannon-st.-road, Commercial-road, St. George's East, Middlesex, tailor, Aug. 24 at half-past 11, Court of Bankruptcy, London.—Jeffries Briginshaw, Frogmore, Wandsworth, Surrey, baker, Aug. 24 at half-past 11, Court of Bankruptcy, London.—John Burgess, Essex-place, Blackheath-hill, Lewisham, Kent, chandler's-shop keeper, Aug. 24 at 1, Court of Bankruptcy, London.—Geo. Spiers, Milton next Gravesend, Milton, Kent, waterman, Aug. 24 at 11, Court of Bankruptcy, London.—Benj. Grainger Chaplin, Halsted, Essex, butcher, Aug. 24 at 11, Court of Bankruptcy, London.—George Woolger, Beddington, Sussex, shoemaker, Aug. 24 at 11, Court of Bankruptcy, London.—Geo. Jas. Cholmondeley, Bridport-st., Blandford-square, Middlesex, gentleman, Aug. 24 at 1, Court of Bankruptcy, London.—Chas. Hazard Owers, Foster-st., Ashley-crescent, Hoxton New-town, Middlesex, out of employment, Aug. 24 at 11, Court of Bankruptcy, London.—Geo. Crowhurst, Powis-st., Woolwich, Kent, wheelwright, Aug. 24 at 12, Court of Bankruptcy, London.—Wm. Whetton, Deddington, Oxfordshire, butcher, Aug. 24 at 12, Court of Bankruptcy, London.—Hen. Catlle, Great Queen-street, Lincoln's-inn-fields, Middlesex, tailor, Aug. 24 at 12, Court of Bankruptcy, London.—Jos. Dallinger, Norwich, engraver, Aug. 24 at 11, Court of Bankruptcy, London.—Jos. Comrie, Edith-villas, North-end-road, Fulham, Middlesex, estate agent, Aug. 20 at 11, Court of Bankruptcy, London.—Hen. Crake, York-road, Lambeth, Surrey, carver, Aug. 20 at 3, Court of Bankruptcy, London.—Elisah Hobroyd, Nottingham, turner, Aug. 20 at half-past 11, District Court of Bankruptcy, Birmingham.—

**Rich. Sanderson**, Cambridge, carpenter, Aug. 12 at half-past 11, Court of Bankruptcy, London.—**Thos. Spradbury**, Anst., Waterloo-road, Lambeth, Surrey, out of business, Aug. 12 at 12, Court of Bankruptcy, London.—**John Gray**, Motcombe, near Shaftesbury, Dorsetshire, cheese dealer, Aug. 12 at half-past 12, Court of Bankruptcy, London.—**Hen. Wensham**, Marsh, Benham, near Newbury, Berkshire, general-shop keeper, Aug. 13 at 1, Court of Bankruptcy, London.—**Rich. Ed. Gosbee**, Great Tower-st., London, out of business, Aug. 15 at 1, Court of Bankruptcy, London.—**Thomas Mortimer**, Westbourne-st., Finsbury, Middlesex, plasterer, Aug. 12 at 12, Court of Bankruptcy, London.—**Geo. Fred. Hill**, Maiden-lane, Covent-garden, Middlesex, commission agent, Aug. 12 at half-past 11, Court of Bankruptcy, London.—**Gerard Jace**, Wigan, Lancashire, hair dresser, Aug. 17 at 12, District Court of Bankruptcy, Manchester.—**Wm. Holmes**, Stoke-upon-Trent, Staffordshire, milkman, Aug. 20 at 11, District Court of Bankruptcy, Birmingham.—**George Hardisty**, Farley, Calverley, Yorkshire, cordwainer, Aug. 21 at 11, District Court of Bankruptcy, Leeds.—**George Reynolds**, Wakefield, Yorkshire, rope maker, Aug. 21 at 11, District Court of Bankruptcy, Leeds.—**William Holt**, Huddersfield, Yorkshire, beer retailer, Aug. 21 at 11, District Court of Bankruptcy, Leeds.—**Benj. Gummarsall**, Tong, Yorkshire, wool-somber, Aug. 21 at 11, District Court of Bankruptcy, Leeds.—**Henry Thomas Watson**, Gainsborough, Yorkshire, saddler and harness maker, Aug. 19 at 11, Mansion-house, Hull.—**Joseph Priestley Evans**, Aberdare, Glamorganshire, woollen factor, Aug. 31 at 11, District Court of Bankruptcy, Bristol.—**Chas. Beak**, Killanfur, Lawrithittan, Glamorganshire, farmer, Sept. 10 at 11, District Court of Bankruptcy, Bristol.—**John Trace**, Exeter, butcher, Aug. 18 at 11, District Court of Bankruptcy, Exeter.—**Peter Pickering**, Liverpool, butcher, Aug. 14 at 11, District Court of Bankruptcy, Liverpool.—**Wm. Wyatt**, Liverpool, licensed victualler, Aug. 18 at 11, District Court of Bankruptcy, Liverpool.—**John Shaw**, Liverpool, licensed victualler, Aug. 18 at 11, District Court of Bankruptcy, Liverpool.

*Saturday, Aug. 8.*

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

**Jos. Jackson**, Chalkton-st., Somers-town, Middlesex, shoe maker, No. 58,152 T.; **Jonathan Allison**, assignee.—**Edmund Page**, Bury-st., St. James's, Middlesex, gentleman's servant, No. 58,272 T.; **Wm. Southey**, assignee.—**Oliver Andrews**, Bath, Somersetshire, lime burner, No. 67,340 C.; **Jas. Abraham**, assignee.—**Robert Temple**, Cheetham, Manchester, commission agent, No. 67,465 C.; **Nich. England**, assignee.

*Saturday, Aug. 8.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

**Wm. Thos. Stillard**, Old Swan-wharf, Upper Thames-st., and Bread-street, Cheapside, London, dealer in silk: in the Debtors Prison for London and Middlesex.—**Thomas Fogg**, North-wharf-road, Paddington, Middlesex, plasterer: in the Debtors Prison for London and Middlesex.—**Fran. Bennett**, Cloudeley-terrace, Liverpool-road, Islington, Middlesex, carpenter: in the Debtors Prison for London and Middlesex.—**Lacy Hilton**, East Acton, Middlesex, following no business: in the Debtors Prison for London and Middlesex.—**George Spurgin**, Church-end, Finchley, Middlesex, seed grower: in the Debtors Prison for London and Middlesex.—**Charles L. Grimwood**, Curator-st., Chancery-lane, Middlesex, locksmith: in the Debtors Prison for London and Middlesex.

*(On Creditor's Petition).*

**Thos. Mayhew**, Shepperton-st., New North-road, Islington, Middlesex, bricklayer: in the Debtors Prison for London and Middlesex.

*(On their own Petitions).*

**Thos. Higgins** the younger, Gloucester, optician: in the Gaol of Gloucester.—**Thos. Daniel**, Swansea, Glamorganshire, out of business: in the Gaol of Carmarthen.—**Geo. Hallett**, Nettlestone, near Ryde, Isle of Wight, Southampton, linen draper: in the Gaol of Winchester.—**Jos. Sillett**, Bramfield, near Halesworth, Suffolk, innkeeper's assistant: in the Gaol of Ipswich.

#### INSOLVENT DEBTORS' DIVIDENDS.

**John A. Anderson**, Greenwich, Kent, clerk in the Royal Hospital, Greenwich: 5s. in the pound.—**Miles Metcalfe**, Plymouth, Devonshire, hosier: 8½d. in the pound.—**Jan Desfontaines**, Quadrant, Middlesex, in no business: 6d. in the pound.—**Charles S. Whitman**, Littlemore, Oxfordshire, bookbinder: 9½d. in the pound.—**Edw. Gratton and James Gilbert**, Paternoster-row, London, map publishers: 4½d. in the pound.—**Joshua Knight**, Luton, Bedfordshire, chemist: 2s. 1d. in the pound.—**Wm. Wrang**, Wiveliscombe, Somersetshire, cabinet maker: 1s. 6d. in the pound.—**Wm. Horwell**, Lower-mash, Lambeth, Surrey, cheesemonger: 1s. 0½d. in the pound.

*Apply at the Provisional Assignee's Office, Portugal-street, Lincoln's-inn-fields, between the hours of 10 and 1.*

**MEETING.**

**Thos. Collier**, Stocks-hill, Holbeck, near Leeds, Yorkshire, butcher, Aug. 31 at 11, Paget's, Skipton, sp. af.

**FRIDAY, AUG. 14.**

#### BANKRUPTS.

**JOSEPH BARTER BLOOMFIELD** the younger, Poole, chemist and druggist, dealer and chapman, Aug. 28 at 2, and Sept. 25 at half-past 2, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Knight, Basinghall-street.—Fiat dated Aug. 12.

**FRANCIS HOLMES and JAMES HOLMES**, Little Yarmouth, Suffolk, ship builders, Aug. 28 at 2, and Oct. 2 at 11, Court of Bankruptcy, London: Off. Ass. Alagar; Sol. Storey, Gray's-inn.—Fiat dated Aug. 12.

**JOHN WILLIAM STRATTON**, March, Isle of Ely, Cambridgeshire, tailor and draper, dealer and chapman, Aug. 28 at 1, and Sept. 25 at half-past 1, Court of Bankruptcy, London: Off. Ass. Alagar; Sols. Meredith & Co., Lincoln's-inn.—Fiat dated Aug. 6.

**JAMES MEAD PRICE**, Warminster, Wiltshire, innkeeper, dealer and chapman, Aug. 28 at half-past 1, and Sept. 25 at half-past 12, Court of Bankruptcy, London: Off. Ass. Alagar; Sol. Stewart, 6, New-inn.—Fiat dated Aug. 11.

**THOMAS URIAH KNIGHT**, Gravesend, Kent, grocer, dealer and chapman, Aug. 24 at 11, and Sept. 25 at half-past 11, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Coome & Jones, Church-court, Clement's-lane.—Fiat dated Aug. 8.

**WILLIAM LUDLAM OLLARD**, Upwell, Cambridgeshire, auctioneer, scrivener, dealer and chapman, Aug. 22 at half-past 10, and Sept. 25 at 2, Court of Bankruptcy, London: Off. Ass. Alagar; Sol. Henaman, Baking-lane.—Fiat dated Aug. 10.

**THOMAS BROWNE**, Southampton, hatter and mercer, dealer and chapman, Aug. 26 at 11, and Sept. 19 at 1, Court of Bankruptcy, London: Off. Ass. Follett; Sol. Lloyd, Cheapside.—Fiat dated July 25.

**ROBERT OXTOBY**, Wansford, and **WILLIAM CHRISTOPHER OXTOBY**, Great Driffild, Yorkshire, millers, corn factors, flour merchants, coal merchants, spirit merchants, seed factors, dealers and chapmen, (carrying on business at Wansford, and Great Driffild aforesaid, and at Scarborough, Bridlington, and Beverley, Yorkshire, under the firm of Robert Oxtoby & Son), Sept. 2 and 30 at 10, Town-hall, Kingston-upon-Hull: Off. Ass. Kynaston; Sols. Robinson, Beverley; Bell, Hull; Capes & Co., Gray's-inn, London.—Fiat dated Aug. 4.

**SIMON PUCKERING and WILLIAM THOMAS MAKINS**, Kingston-upon-Hull, woollen merchants and woollen drapers, dealers and chapmen, (trading under the firm of Puckering & Makins), Aug. 26 and Sept. 16 at 10, Town-hall, Kingston-upon-Hull: Off. Ass. Kynaston; Sols. Ayre, jun., Hull; Linklater, Leadenhall-street, London.—Fiat dated Aug. 6.

**JOHN BIRCH**, Kingston-upon-Hull, tailor and draper, Aug. 26 and Sept. 16 at 10, Town-hall, Kingston-upon-Hull: Off. Ass. Kynaston; Sols. Galloway, Hull; Hicks, Gray's-inn, London.—Fiat dated Aug. 8.

**CHARLES TAYLOR**, Birmingham, brush manufacturer, Aug. 29 and Sept. 17 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Wright, Birmingham; Ivinney, 26, Chancery-lane, London.—Fiat dated Aug. 4.

**THOMAS CRANE**, Kegworth, Leicestershire, common brewer, dealer and chapman, Sept. 1 and 29 at 12, District Court of Bankruptcy, Birmingham: Off. Am. Christie; Sol. James, Birmingham.—Flat dated July 30.

**ROBERT NAYLER**, Marlborough, Wiltshire, licensed victualler and stage-coach proprietor, dealer and chapman, Aug. 31 and Sept. 29 at 12, District Court of Bankruptcy, Bristol: Off. Am. Acraman; Sols. Nash, Bristol; Blower & Co., Lincoln's-inn-fields.—Flat dated Aug. 10.

**GEORGE ENGLAND**, Brimscombe, Minchinhampton, Gloucestershire, clothier, and Basinghall-st., London, cloth factor, Aug. 27 and Oct. 2 at 11, District Court of Bankruptcy, Bristol: Off. Am. Acraman; Sol. Paris, Stroud.—Flat dated July 30.

#### MARRIAGES.

*Joe. Lidwell Heathorn*, Abchurch-lane, London, ship owner, Aug. 25 at 1, Court of Bankruptcy, London, pr. d.—*Benj. Mercer Burroughs*, Liverpool, ironmonger, Aug. 28 at 11, District Court of Bankruptcy, Liverpool, last ex.—*John Senior*, Salford, Lancashire, common brewer, Aug. 26 at 12, District Court of Bankruptcy, Manchester, last ex.—*Wm. Gill*, Warrington, Lancashire, corn merchant, Aug. 28 at 11, District Court of Bankruptcy, Manchester, last ex.—*Stephen Hey*, Colne, Lancashire, worsted manufacturer, Aug. 25 at 12, District Court of Bankruptcy, Manchester, last ex.—*Joseph Miller*, Whittlebury-st., Hampstead-road, Middlesex, painter, Sept. 4 at 1, Court of Bankruptcy, London, and ac.—*Wm. Bucknell Lemon*, North-end, Croydon, Surrey, ironmonger, Sept. 4 at half-past 1, Court of Bankruptcy, London, and ac.—*Wm. Hart*, Whitechapel, High-st., Middlesex, hat manufacturer, Sept. 8 at 11, Court of Bankruptcy, London, and ac.— *Jas. Woodbridge*, Reading, Berkshire, saddler, Sept. 10 at 2, Court of Bankruptcy, London, and ac.—*Thos. Oliver*, Prestbury, near Cheltenham, Gloucestershire, livery-stable keeper, Sept. 14 at 11, District Court of Bankruptcy, Bristol, and ac.—*Thos. Griffiths*, Liverpool, joiner, Sept. 8 at 11, District Court of Bankruptcy, Liverpool, and ac.—*Charles Newell Cutcliffe*, Pilton, near Barnstaple, Devonshire, surgeon, Sept. 9 at 11, District Court of Bankruptcy, Exeter, and ac.; Sept. 10 at 1, div.—*Thos. Jackson*, Salterhebble, Halifax, Yorkshire, worsted spinner, Sept. 8 at 11, District Court of Bankruptcy, Leeds, and ac.; Sept. 11 at 11, div.—*James Wilkinson* and *Zachariah Wilkinson*, Clayton Heights, Bradford, Yorkshire, worsted stuff manufacturers, Sept. 22 at 11, District Court of Bankruptcy, Leeds, and ac. and div.—*Wm. Hoots*, Sheffield, Yorkshire, leather dresser, Sept. 11 at 11, District Court of Bankruptcy, Leeds, and ac. and div.—*Thos. Mayne*, Birmingham, draper, Sept. 16 at 12, District Court of Bankruptcy, Birmingham, and ac.—*John Wm. Pitch*, Sackville-st., Piccadilly, Middlesex, tailor, Sept. 4 at 2, Court of Bankruptcy, London, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Jos. Blackburn*, Gomersall, Birstall, Yorkshire, cloth manufacturer, Sept. 15 at 11, District Court of Bankruptcy, Leeds.—*Eli Soul*, Tabernacle-walk, Finsbury, Middlesex, bookseller, Sept. 5 at half-past 11, Court of Bankruptcy, London.—*Chas. Pitt*, Bristol, licensed victualler, Sept. 8 at 11, District Court of Bankruptcy, Bristol.—*Wm. Bradley*, Leeds, Yorkshire, flax spinner, Sept. 8 at 11, District Court of Bankruptcy, Leeds.—*Jesse Smith*, Wellington-st., Newington-causeway, Surrey, cheesemonger, Sept. 8 at 12, Court of Bankruptcy, London.—*W. Wood*, Liverpool, flat rope manufacturer, Sept. 11 at 11, District Court of Bankruptcy, Liverpool.—*Geo. Barry*, Handsworth, Staffordshire, surgeon, Sept. 17 at 12, District Court of Bankruptcy, Birmingham.—*Jas. Irvine*, Liverpool, ironmonger, Sept. 8 at 12, District Court of Bankruptcy, Liverpool.—*Eli. Glover*, Shelton, Stoke-upon-Trent, Staffordshire, publican, Sept. 15 at 11, District Court of Bankruptcy, Birmingham.—*Wm. Taylor*, Worcester, sharebroker, Aug. 17 at 11, District Court of Bankruptcy, Birmingham.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Sept. 4.*

*Wm. Collins*, Rugby, Warwickshire, tailor.—*Jos. Taylor*, Liverpool, merchant.—*Jos. Rich. Holmes*, Poplar, Middlesex, brewer.—*Wm. John Hedden*, Tottenham, Middlesex, brewer.—*John H. Suckling*, Birmingham, ironmonger.

#### PLATS ANNULLED.

*Fred. Day*, Hemel Hempstead, Hertfordshire, money scrivener.—*John Solomon*, Exeter, outfitter.

#### PARTNERSHIP DISSOLVED.

*Rob. Leigh* and *Thos. Warden*, Decumans, Somersetshire, attorneys at law and solicitors.

#### SCOTCH SEQUESTRATIONS.

*John Ewing*, jun., Glasgow, fisher.—*Wm. Ogg* and *Wm. McMillan*, Aberdeen, watch makers.—*Jas. Brown*, Glasgow, sharebroker.—*Wm. Hackney*, dec., Dundee, merchant.—*Robert Binnie*, Grahamston, Falkirk, merchant.—*Wm. Cunningham*, dec., Portree, merchant.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Rich. Seymour*, Poole, Dorsetshire, builder, Aug. 24 at half-past 12, Court of Bankruptcy, London.—*Ralph Smalley*, Stanhill, Oswaldtwistle, Whalley, Lancashire, delfman, Aug. 19 at 12, District Court of Bankruptcy, Manchester.—*Edw. Wakem*, Denbury, Devonshire, out of business, Aug. 20 at 1, District Court of Bankruptcy, Exeter.—*Thomas Hooman*, Worcester, tobaccoist, Aug. 20 at half-past 10, District Court of Bankruptcy, Birmingham.—*Bentley Burrows*, Cheltenham, Gloucestershire, out of business, Aug. 21 at half-past 1, District Court of Bankruptcy, Bristol.—*Jas. Burge*, Bristol, out of business, Aug. 21 at 11, District Court of Bankruptcy, Bristol.—*Campion Napper*, Craike, near Easingwold, Yorkshire, clerk in holy orders, Aug. 18 at 11, District Court of Bankruptcy, Leeds.—*Gavin Mickle*, Liverpool, tailor, Aug. 25 at 12, District Court of Bankruptcy, Liverpool.—*J. Woods*, Chorlton-upon-Medlock, Manchester, fishmonger, Aug. 21 at 12, District Court of Bankruptcy, Manchester.—*Henry Jones*, Liverpool, provision dealer, Aug. 18 at half-past 10, District Court of Bankruptcy, Liverpool.—*Robt. Barlow*, Liverpool, portmanteau manufacturer, Aug. 18 at half-past 10, District Court of Bankruptcy, Liverpool.—*William Price*, Cardiff, Glamorganshire, coal agent, Aug. 20 at half-past 12, District Court of Bankruptcy, Bristol.—*James Paget*, Walcot, Bath, Somersetshire, chairman, Aug. 20 at 11, District Court of Bankruptcy, Bristol.—*John Mills*, Rochdale, Lancashire, coal miner, Aug. 21 at 12, District Court of Bankruptcy, Manchester.—*Henry Hill Guest*, Leigh, Lancashire, saddler, Aug. 19 at 12, District Court of Bankruptcy, Manchester.—*Hugh Boyle*, Egham, Surrey, common brewer, Aug. 22 at half-past 10, Court of Bankruptcy, London.

*Wednesday, Aug. 12.*

*Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*James Beggref*, Crafter-terrace, Shepherd's-bush, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Ch. Collingbourn*, St. Ann's-place, Love-lane, Wandsworth, Surrey, out of business: in the Gaol of Surrey.—*J. Fletcher Norfolk*, High-street, Clapham, Surrey, veterinary surgeon: in the Debtors Prison for London and Middlesex.—*John Cann*, Skinner's-place, Leadenhall-market, London, eating-house keeper: in the Debtors Prison for London and Middlesex.—*Robt. Beck*, Cheapside, London, hair dresser: in the Debtors Prison for London and Middlesex.—*John Smith*, Bayswater-road, Bayswater, Middlesex, licensed retailer of beer: in the Queen's Prison.—*Thomas Allen*, Golden-buildings, Strand, Middlesex, artificial flower maker: in the Debtors Prison for London and Middlesex.—*Wm. Cale*, Birmingham, carpenter: in the Gaol of Warwick.—*Edward Beck*, Aahwicken, Norfolk, farming bailiff: in the Gaol of Norwich.—*John James Candwell*, Garboldisham, Norfolk, journeyman maltster: in the Gaol of Norwich.—*Thos. Weismwright*, Kirby Moorside, Yorkshire, out of business: in York Castle.

**MASTERS IN CHANCERY.**—The Lord Chancellor has appointed the following gentlemen Masters Extraordinary in the high Court of Chancery:—*Thomas Robert Huxley*, Worcester; *Frederick Hancock*, Shipston-on-Stour, Worcestershire.

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Printed by **WALTER M'DOWALL, PRINTER**, residing at No. 4, Pemberton Row, Gough Square, in the Parish of St. Bride, in the City of London, at his Printing Office, situate No. 5, Pemberton Row aforesaid; and Published at No. 3, CHANCERY LANE, in the Parish of St. Dunstan in the West, in the City of London, by **HENRY SWEET, LIT BOOKSELLER and PUBLISHER**, residing at No. 11, John Street, Bedford Row, in the County of Middlesex. Saturday, August 15, 1866.

# The Jurist

No. 502—VOL. X.

AUGUST 22, 1846.

PRICE 1s.

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LONDON, AUGUST 22, 1846.

We have now before us the Small Debts Act, as amended in committee, and as it will probably, ere these pages are printed, become part of the law of land. Being a measure of so much importance, and especially to those for whom our pages are principally intended, we shall at once give our readers a brief account of its more striking provisions, referring them for fuller information concerning its various clauses to the act itself. In short, then, after reciting the late abortive attempts at legislation on this subject, (the 7 & 8 Vict. c. 96), for abolishing arrest upon final process in actions of debt not exceeding 20*l.*, the 8 & 9 Vict. c. 127, giving remedies to judgment creditors in respect of such debts, for the discovery of the property of debtors, and punishment of frauds committed by them,—an attempt to remedy the mischief caused by the former act, and also that portion of the same act by which her Majesty was empowered to extend the jurisdiction of certain Courts of Requests and other courts, a power which we believe has rarely, if at all, been exercised,—it gives power to her Majesty, with the advice of her Privy Council, from time to time to order that the act shall be put in force in such counties as shall, with such advice, seem fit to her, and that the act shall extend to such counties; except that it is specially provided that no court shall be established in the city of London. In Schedules A. and B. are enumerated various acts for establishing Courts of Requests in different places; and as to these, it is provided that her Majesty may order that any court holden for the recovery of debts within the provisions of those acts, shall be holden as a county court; and thereupon the former acts shall, so far as they would affect such court, be repealed.

We shall, therefore, obtain the advantage at least, of having one uniform system of courts for the recovery of

small debts, and be rid of the inconvenience which these Courts of Requests—each having its own peculiar jurisdiction, to be ascertained only by reference to its local act—not unfrequently created.

One uniform rule as to the costs of actions will, as will be seen hereafter, be established, instead of the various rules introduced by the different Courts of Requests Acts. But to proceed with our bill. It is, no doubt, an interesting question to our readers—who are to be the judges, and by whom are they to be appointed? We will tell them. They are to be appointed by the Lord Chancellor—must be barristers of seven years' standing, or have practised as a barrister and special pleader for that period; or barristers or attorneys who, under the provisions of any of the acts cited in the schedules, or of the stat. 8 & 9 Vict. c. 127, before alluded to, have been nominated or appointed to preside in or hold any court constituted or held under those acts. A considerable number of offices will, therefore, be placed at the disposal of the Lord Chancellor for distribution amongst the junior members of the Bar; and when we look at their greatly increased number, and the small chance which many must have of ever attaining to even a moderate portion of professional employment, we doubt not that there will be many candidates. But there is one drawback as they may think, but not certainly as we, or as we believe the public will. No barrister, says the act, while holding the office of judge of the said courts, shall practise as a barrister; and every attorney at law who shall be appointed a judge of the county court under the act, and who shall be the partner of any other attorney at law, shall, within six calendar months next after entering on the office of judge, dissolve such partnership, or vacate the office of judge, and shall not, during his continuance as judge, enter into any new partnership; and no attorney at law who shall be ap-

pointed a judge of any county court under the act, shall practice as an attorney, or be, either by himself or his partner, directly or indirectly concerned as attorney or agent for any party in any proceeding in any court regulated by the act, or in any other court of law or equity. There is a provision that the judge of a county court whose name shall be inserted in any commission of the peace for the county, riding, or division for which he is appointed judge may act as justice of the peace for such county, riding, or division, although not qualified by estate. We hope this clause will be acted upon, and that we shall have on each of the benches of the different courts of quarter sessions, one person at least who is qualified by habits and education to judge of the matters that come before those tribunals. We wish the act had gone farther, and had contained some provisions for reforming those courts; but at present we must be content to look upon this as a step in the right direction, and to hope ere long to find the government making some further progress. The greater portion of the bill consists of clauses of a merely technical character, and for which we must refer the reader to it as printed at length. Some there are, however, which we have marked on perusal, as deserving a more distinctive notice. The 60th clause introduces a different rule from what is now the law; for, as to demands recoverable under the act, it takes away pleas in abatement, and provides, that, where any plaintiff shall have any such demand against two or more persons jointly answerable, it shall be sufficient if any of such persons be served with process; and judgment may be obtained and execution issued against the person or persons served, notwithstanding that others jointly liable may not have been served or sued, or may not be within the jurisdiction of the court. The provisions as to juries are the same as have been inserted in most of the local courts bills of late years: they are to consist of five persons, who are to be sworn to give their verdicts in the causes which shall be brought before them, and need not be re-sworn on each trial,—a provision by which some little time may, perhaps, be saved, but of which the necessity is not very evident. In actions where the amount claimed exceeds 5*l.*, either party may require a jury; and where it does not exceed that sum, the judge may, in his discretion, on the application of either party, order a jury. The 69th clause gives a very proper power to the judge, with the consent of both parties, to order the suit and all other matters in dispute between the parties to be referred to arbitration. And the 75th clause contains the novel, but, we think, considering the cases to which the act applies, necessary and proper enactment, that, on the hearing or trial of any action, or on any other proceeding under the act, the parties thereto and their wives may be examined on oath. The next clause we have marked for notice relates to the employment of advocates, and deserves the praise of being of a much more sensible and practical character than those which have hitherto been in vogue. It is rather clumsily framed, and, in fact, embraces three distinct provisions. The first and last parts taken together provide, that no barrister, attorney, or other person, except by leave of the judge, shall be entitled to be heard to argue any question as counsel; and the expense of employing a

barrister or attorney, either by plaintiff or defendant, shall not be allowed on taxation of costs in the case of (by which we presume is meant against) a plaintiff where less than 5*l.* is claimed; or, in the case of (against) a defendant where less than 5*l.* is recovered, or in any case, *unless the judge shall otherwise order.* Another part provides, that none but attorneys of one of the superior courts of record shall be entitled to have or recover any sum of money for appearing or acting in the courts. And, by the remaining portion, it is provided, that the attorney shall not be entitled to any fee unless the debt or damage claimed exceeds 40*s.*, nor more than 10*s.* unless it exceeds 5*l.*, nor more than 1*l.* in any case; and in no case shall any fee exceeding 1*l.* 8*s.* 6*d.* be allowed for employing a barrister. By this last appears to be meant allowed on taxation; but, with respect to the attorneys' fees, the terms of the clause would seem to preclude them from recovering from their clients in any case more than the sums named. Other clauses give to the judges of these county courts similar powers of examining debtors on oath touching their estate and effects, and the manner of contracting their debts and liabilities, and their means of payment, and of committing them to prison for fraudulent or improper conduct, as were conferred by the 8 & 9 Vict. c. 127. All actions of replevin in cases of distress for rent, arrear, or damage *faisant* within the jurisdiction of the county court, are to be brought without writ in the court held under the act for the district wherein the distress was taken, and to be removable, in case either party shall declare to the court that the title to any corporeal or incorporeal hereditament, or to any toll, market, fair, or franchise is in question, or that the rent or damage distrained for is more than 20*l.*, and shall become bound with two sufficient sureties to prosecute the suit with effect and without delay, and prove before the court by which the suit shall be tried that such title was in dispute, or that there was ground for believing that the rent or damage was more than 20*l.* By the 117th and following clauses, provision is made for the recovery of the possession of small tenements, by plaint in the county court, in a similar manner to that of the 1 & 2 Vict. c. 74. Two more important provisions remain: the first, as to the jurisdiction of these courts, which is, that all actions and proceedings, which, before the passing of the act, might have been brought in any of the superior courts, *where the plaintiff dwells more than twenty miles from the defendant*, or where the cause of action did not arise wholly, or in some material point, within the jurisdiction of the court within which the defendant dwells or carries on his business at the time of action brought, or where any officer of the county court shall be a party, may be brought and determined in any of the superior courts. And, next, as to the consequences of bringing an action in one of the superior courts, where a plaint might have been entered in a court holden under the act, if a verdict shall be found for the plaintiff for a sum less than 20*l.*, he shall have judgment to recover such sum only, and no costs; and if a verdict shall not be found for the plaintiff, the defendant shall be entitled to his costs, as between attorney and client, unless, in either case, the judge who shall try the cause shall certify on the back of the record that the action was fit to be



brought in the superior court. These are the principal provisions of the new act, which we are not disposed to criticise unnecessarily, appearing, as it does, very well calculated to meet the want, which has long existed, of some efficient mode of recovering small debts.

### ON THE WRIT OF NE EXEAT REGNO.

Some uncertainty of opinion prevails on the question, whether, in order to entitle a plaintiff in a suit in equity to obtain a writ of ne exeat against the defendant, it is necessary that the writ should be prayed by the bill. The authorities, carefully examined, will shew that there is no distinct general rule on the subject, but that it will depend on circumstances whether the court will grant a ne exeat in a bill not praying it. In *Collinson v. —*, (18 Ves. 353), two cases (*Loyd v. Cardy* Prec. Chanc. 171, and *Ex parte Bruner*, 3 P. Wms. 312) were cited in support of the proposition that it is not necessary that a bill should pray a ne exeat in order to support a motion for the writ. Both these cases are on a totally different point, viz. whether a ne exeat may be obtained without any bill being filed; and in the first it was held that it may. But this is clearly not law at this day. (*Anon.*, 6 Mad. 276, in which it was laid down—the court being apprised of *Loyd v. Cardy*—that “the writ of ne exeat is given in aid of an equitable demand; but it must previously appear, by a bill filed, that there is an equitable demand”). And, in the earlier case of *Ex parte Bruner*, Lord Chancellor Talbot refused to grant a ne exeat when there was no bill filed, saying, “In all my experience I never knew this writ of ne exeat granted or taken out without a bill in equity being first filed.” Upon these authorities, there seems no reason to doubt that the writ is not grantable except upon a bill filed; but, whether that is so or not, it is quite clear that *Loyd v. Cardy* and *Ex parte Bruner* do not determine the question, whether, a bill being filed, but not praying the writ of ne exeat, a motion for a ne exeat on the suit so instituted can be supported upon affidavits.

In *Collinson v. —* (18 Ves. 353) there were three objections suggested to the granting of the writ. The first was, that the affidavit of the defendant's intention to leave the kingdom only went to the information and belief of the deponent; the second, that the bill did not pray the writ; the third, that there was no affidavit of the debt, but that it appeared only by the Master's report in the cause absolutely confirmed.

As to the objection, that the bill did not pray the writ, Lord Eldon said, “When this prerogative writ came to be applied as a civil process, it would have been an extraordinary exercise of jurisdiction to refuse it, merely as not prayed in a stage of the proceedings, when there was no pretence for praying for it. If, when the bill was filed, the defendant did not intend to leave the kingdom, it would have been highly improper to pray the writ\*. A groundless suggestion, that the defendant means to abscond, would press too harshly, and would operate to create the very mischief which the court, permitting the motion without notice, means to prevent. The omission to pray the writ, therefore, forms no objection.”

The next case in which a motion was made for a ne exeat, without its being prayed by the bill, was *Sharp v. Taylor*, (11 Sim. 50). In this case, the affi-

davit filed in support of the motion shewed that the plaintiff knew, at the time of filing the bill, that the defendant intended to go abroad, though, at the same time, it stated acts, as evidence of his intention, which had occurred since the filing of the bill. The Vice-Chancellor said he could not grant the writ, unless it was prayed for by the bill; and that, as the affidavit in support of the motion stated acts done by the defendant since the filing of the bill as evidence of his intention to leave the kingdom, a supplemental bill must be filed for the purpose of stating those facts, and praying for the ne exeat.

In the most recent case on this point, (*Barned v. Laing*, 13 Sim. 255), the circumstances were these:—The original bill was filed in August, 1840. At that time it was not pretended that the plaintiff had any ground for alleging that the defendant intended to quit the country. The answer was put in and excepted to, and the defendant submitted to the exceptions. On the 27th January, 1841, the plaintiff obtained information on which he could found a belief, but not such information as would have been sufficient proof of the defendant's intention to go abroad. On the 9th of February the bill was amended, and on the 12th of February, and not before, the plaintiff obtained sufficient evidence for supporting an allegation that the defendant intended to go abroad. On this state of circumstances, the Vice-Chancellor granted a ne exeat, and, on a motion to discharge it, his judgment was as follows:—“If there had been in this case, as there was in *Sharp v. Taylor*, a series of facts leading to the knowledge of the defendant's intention to go abroad, all of which happened subsequently to the filing of the original bill, and might have been stated by way of supplement, they ought to have been so stated. But, as I found, that, on the 27th January, there had come to the knowledge of the plaintiff, not a state of facts by which he could have proved the defendant's intention to go abroad, but merely such information as induced him to believe that the defendant intended to do so, (and which belief, if it had been stated in a supplemental bill, without alleging sufficient grounds for it, would have gone for nothing); and as I found that the plaintiff had no certain knowledge of the defendant's intention to leave the kingdom until the 12th February, which was after the amended bill was filed, it appeared to me that this was not such a case as fell within the set of circumstances alluded to in *Sharp v. Taylor*; and my opinion is, that, according to the decisions of Lord Eldon and Sir J. Leach, in the cases cited, this writ ought not to be discharged.”

It is not easy to reconcile these two cases of *Sharp v. Taylor* and *Barned v. Laing*. In *Sharp v. Taylor*, it was stated at the bar that the affidavit shewed the plaintiff's knowledge, at the time of filing the bill, of the defendant's intention to go abroad. In the judgment, no notice is taken of that fact, nor does the judgment seem to proceed upon that, because the court referred particularly to the circumstance of the affidavit stating acts subsequently to the filing of the bill, as evidence of the defendant's intention, and upon that ground it appears to have been put, that a supplemental bill ought to be filed. So, in explaining this case in *Barned v. Laing*, the court expressly stated, that, in *Sharp v. Taylor*, all the facts leading to the knowledge of the defendant's intention to go abroad, happened subsequently to the filing of the original bill, and might have been stated by way of supplement. Now, in *Barned v. Laing*, the facts leading the plaintiff to certain knowledge of the defendant's intention took place also after the bill was filed, and the only difference between the circumstances of the two cases seems, that, in *Barned v. Laing*, the facts on which the plaintiff could rely as evidence did not occur till after the filing of the amended bill. Whether the court considered the

\* It is, however, not thought improper, but, on the contrary, quite reasonable, to suggest, in a bill against an executor or a partner for an account, that the defendant intends to commit waste, and to pray for an injunction; one does not clearly see the reason why it should be proper to anticipate that the defendant will commit waste, and improper to anticipate that he will run away.

matter stated by the affidavit, as to what took place on the 12th February, as matter not properly supplemental, because not acts of the defendant; or whether, because of its occurring after the amended bill, the court thought such matter could not be brought forward, or that the plaintiff ought not at least to be compelled to bring it forward *by bill*, does not appear by the report. It is probable that the former is the true reason of the decision, though it is difficult to see why facts from which the intention of the defendant to leave the country could be taken to be sufficiently proved, should not be considered as facts, whether specifically *acts of the defendant* or not, capable of being alleged as supplemental occurrences.

### Imperial Parliament.

#### HOUSE OF COMMONS.

*Wednesday, Aug. 19.*

*The Chancellor of the Exchequer* rose, pursuant to notice, to ask leave to bring in a bill empowering her Majesty to constitute a new railway board. The subject had been pressed on the Government by both Houses of Parliament. The committee on railways, in the other House, came to a resolution that it was necessary that there should be some department of the Government so constituted as to command respect, and which should have the care of all railways and canals. That House came to a similar resolution only yesterday. It was in accordance with those two resolutions that this bill was now proposed, in the hope that, by general assent, it might be carried this session. The bill proposed that there should be a railway board, consisting of not less than five commissioners, one of whom should be president, and should be paid. He should also be a member of one or other House of Parliament, and connected with the Government, although not necessarily a member of it, but removable at each change of the Government if it should be thought necessary. It was proposed, also, that there should be two permanent paid commissioners, who should not be removable. In addition to these, it was proposed that there should be two other members of the Government, who should be commissioners, but unpaid. The two paid commissioners would of course not have seats in Parliament, but, it being desirable that there should be in both Houses a member of the board to answer questions and be responsible for the acts of the commission, it was proposed that a member of the Government should be on the board, who would not receive extra pay on account of this duty, but who would sit in that House of which the president for the time being was not a member. It was further proposed that the commissioners, with the sanction of the Treasury, should name the secretary and clerks required; but this would be done by transferring to the new board the clerks and subordinate officers at present employed in the railway department of the Board of Trade. It was further proposed to transfer to this department the whole of the powers now held by the railway department of the Board of Trade, and that the duty should be imposed on them of seeing that the railway companies comply with the acts of Parliament under which they obtain their powers, and that it should be the duty of the board to conduct any inquiry that might be required by either house of Parliament. One thing that would be requisite, in order to render this board more useful, was, that the standing orders should be altered so far as that the notices of bills now required to be given in November should be given in February. This would afford a more full time for investigation into the merits of the different plans. This, however, was a subject for a future occasion, and it formed no part of the present bill. With these observations he would appeal to the judgment of the house, late as it was in the session, to allow this bill to be introduced.

Leave was then given to introduce the bill, which was afterwards brought in and read a first time.

*Thursday, Aug. 20.*

The Small Debts Bill went into committee, and the clauses up to clause 9 were settled. A material alteration was made in the bill as amended in the Lords, by the rejection of the restriction preventing the judges from practising as barristers.

### Court Papers.

#### EQUITY SITTINGS, MICHAELMAS TERM, 9 VICR.

#### Court of Chancery.

*Before the LORD CHANCELLOR, at Westminster.*

Monday ....	Nov. 2	Appeal Motions.
Tuesday .....	3	{ (Petition-day).—Cause, Lunatic, and Bankrupt Petitions.
Wednesday .....	4	
Thursday .....	5	
Friday .....	6	
Saturday .....	7	Appeals.
Monday .....	9	
Tuesday .....	10	
Wednesday .....	11	
Thursday .....	12	Appeal Motions.
Friday .....	13	{ (Petition-day).—Unopposed Petitions only and Appeals.
Saturday .....	14	
Monday .....	16	Appeals.
Tuesday .....	17	
Wednesday .....	18	
Thursday .....	19	Appeal Motions.
Friday .....	20	{ (Petition-day).—Unopposed Petitions and Appeals.
Saturday .....	21	
Monday .....	23	Appeals.
Tuesday .....	24	
Wednesday ....	25	Appeal Motions.

#### Vice-Chancellors' Courts.

*Before the VICE-CHANCELLOR OF ENGLAND, at Westminster.*

Monday ....	Nov. 2	Motions.
Tuesday .....	3	Petition-day.
Wednesday ....	4	{ Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Thursday .....	5	
Friday .....	6	{ Short Causes, Unopposed Petitions, and Causes.
Saturday .....	7	
Monday .....	9	{ Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Tuesday .....	10	
Wednesday .....	11	
Thursday .....	12	Motions.
Friday .....	13	{ (Petition-day).—Unopposed Petitions, Short Causes, and Causes.
Saturday .....	14	
Monday .....	16	{ Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Tuesday .....	17	
Wednesday .....	18	
Thursday .....	19	Motions.
Friday .....	20	{ (Petition-day).—Unopposed Petitions, Short Causes, and Causes.
Saturday .....	21	
Monday .....	23	{ Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Tuesday .....	24	
Wednesday ....	25	Motions.

*Before VICE-CHANCELLOR KNIGHT BRUCE, at Westminster.*

Monday ....	Nov. 2	Motions.
Tuesday .....	3	{ (Petition-day).—Petitions and Causes.
Wednesday ....	4	Bankrupt Petitions and Causes.
Thursday .....	5	{ Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Friday .....	6	
Saturday .....	7	Short Causes and Ditto.
Monday .....	9	{ Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Tuesday .....	10	
Wednesday .....	11	Bankrupt Petitions.
Thursday .....	12	Motions and Causes.
Friday .....	13	{ (Petition-day).—Petitions and Causes.
Saturday .....	14	Short Causes and Causes.
Monday .....	16	{ Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Tuesday .....	17	
Wednesday ....	18	Bankrupt Petitions and Ditto.

Thursday .....	19	Motions and Causes.
Friday .....	20	(Petition-day).—Pleas and Causes.
Saturday .....	21	Short Causes and Causes.
Monday .....	23	Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Tuesday .....	24	
Wednesday .....	25	Motions.

*Before VICE-CHANCELLOR WIGRAM, at Westminster.*

Monday .... Nov. 2	Motions and Causes.
Tuesday .....	3 { (Petition-day). — Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Wednesday .....	4 { Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Thursday .....	5 {
Friday .....	6 {
Saturday .....	7 { Short Causes, Petitions, (unopposed first), and Causes.
Monday .....	9 { Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Tuesday .....	10 {
Wednesday .....	11 {
Thursday .....	12 { Motions and Ditto.
Friday .....	13 { (Petition-day). — Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Saturday .....	14 { Short Causes, Petitions, (unopposed first), and Causes.
Monday .....	16 { Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Tuesday .....	17 {
Wednesday .....	18 {
Thursday .....	19 { Motions and Ditto.
Friday .....	20 { (Petition-day). — Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Saturday .....	21 { Short Causes, Petitions, (unopposed first), and Causes.
Monday .....	23 { Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Tuesday .....	24 {
Wednesday .....	25 { Motions and Ditto.

**London Gazettes.**

**TUESDAY, AUGUST 18.**

**BANKRUPTS.**

- JOHN PATTERSON, Tonbridge, Kent, tea dealer, grocer, dealer and chapman, Aug. 27 at half-past 11, and Oct. 2 at 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Townshend, 17, Howland-street.—Fiat dated Aug. 15.
- THOMAS EVANS JONES, Knightsbridge-terrace, Knightsbridge, Middlesex, linendraper, Aug. 27 at half-past 12, and Oct. 2 at 1, Court of Bankruptcy, London: Off. Ass. Alagar; Sol. Lloyd, Milk-street, Cheapside.—Fiat dated Aug. 15.
- JOHN TEASEL, Norwich, carpenter and builder, Sept. 2 and 26 at 11, Court of Bankruptcy, London: Off. Ass. Follett; Sols. Jay & Pilgrim, Norwich; Jay, 27, Bucklersbury.—Fiat dated July 30.
- WILLIAM NORRIS, Cambridge-villas, Great College-st., Camden New-town, Middlesex, builder, Sept. 2 and Oct. 1 at 11, Court of Bankruptcy, London: Off. Ass. Groom; Sol. Haynes, 41, Arlington-street, Camden-town.—Fiat dated Aug. 14.
- JOHN HARTLEY BUTTERWORTH, King-st., Cheapside, London, hotel keeper, Aug. 27 at 11, and Oct. 1 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Ashley, Shoreditch.—Fiat dated Aug. 8.
- JOSIAH HARRIS, Mevagissey, Cornwall, grocer, dealer and chapman, Sept. 1 and 29 at 11, District Court of Bankruptcy, Exeter: Off. Ass. Hernaman; Sols. Moore, Exeter; Carlyon, St. Austel; Bell & Co., Lincoln's-inn-fields, London.—Fiat dated Aug. 7.
- RUFUS PARKINSON, Ashton-under-Lyne, Lancashire, carrier and leather cutter, dealer and chapman, Aug. 28 and Sept. 18 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Brooks, Ashton-under-Lyne; Clarke & Co., 20, Lincoln's-inn-fields, London.—Fiat dated Aug. 8.

JOSEPH CARNE the elder, Truro, Cornwall, provision merchant, dealer and chapman, Sept. 1 and 29 at 11, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. Smith & Roberts, Truro; Turner, Exeter; Morgan, 15, Old Jewry, London.—Fiat dated July 28.

PETER BURY, Manchester, calico printer, Sept. 1 and 23 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Culliffes & Co., Manchester; Keightley & Co., Chancery-lane, London.—Fiat dated Aug. 13.

EDWARD WARD, Medbourn, Leicestershire, corn dealer, dealer and chapman, Sept. 10 and Oct. 8 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. James, Birmingham; Rawlins, Market Harborough.—Fiat dated Aug. 12.

WILLIAM BALLINGER, Swansea, Glamorganhire, maltster, brewer, and grocer, Sept. 3 at 1, and Oct. 1 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sols. David, Swansea; Bridges, Bristol.—Fiat dated Aug. 8.

**MEETINGS.**

*Samuel May*, Myddleton-street, Clerkenwell, Middlesex, watch manufacturer, Sept. 3 at 12, Court of Bankruptcy, London, pr. d.—*Robert Moir*, West Cowes, Isle of Wight, Southampton, stationer, Sept. 5 at 11, Court of Bankruptcy, London, last ex.—*John Russell*, Kidderminster, Worcestershire, coal merchant, Sept. 5 at 12, District Court of Bankruptcy, Birmingham, last ex.—*John Parsons*, Wolverhampton, Staffordshire, edge tool manufacturer, Sept. 3 at 11, District Court of Bankruptcy, Birmingham, last ex.—*John Lead*, Wellington, Shropshire, wine merchant, Sept. 1 at 12, District Court of Bankruptcy, Birmingham, last ex.—*John Davis*, Broadway, Worcestershire, miller, and Heaton Norris, Lancashire, provision dealer, Aug. 22 at 11, District Court of Bankruptcy, Birmingham, last ex.—*Thos. Southern*, Gloucester, grocer, Sept. 10 at 2, District Court of Bankruptcy, Bristol, last ex.—*Ch. Frederick Carne* and *Maurice Telo*, Liverpool, merchants, Aug. 25 at 11, District Court of Bankruptcy, Liverpool, last ex.—*Joseph Rothchild*, St. James, Bristol, watchmaker, Sept. 21 at 12, District Court of Bankruptcy, Bristol, aud. ac.—*R. Barnes Preston*, Leigh, Gloucestershire, coal dealer, Sept. 22 at 1, District Court of Bankruptcy, Bristol, aud. ac.; Sept. 28 at 1, div.—*John Sier*, Cheltenham, Gloucestershire, baker, Sept. 22 at 11, District Court of Bankruptcy, Bristol, aud. ac.—*Ebenezer H. Duden*, Pitchcomb-mill, Standish, Gloucestershire, manufacturing chemist, Oct. 2 at 11, District Court of Bankruptcy, Bristol, aud. ac.—*Mary Hart*, Chewton Mendip, Somersetshire, victualler, Sept. 21 at 12, District Court of Bankruptcy, Bristol, aud. ac.—*W. Guy Taylor* and *Elia. Guy*, Liverpool, hosiers, Sept. 17 at 11, District Court of Bankruptcy, Liverpool, aud. ac. sep. est. of *W. Guy Taylor*; Sept. 18 at 11, div.—*Joshua Garsed* the elder and *J. Garsed* the younger, Leeds, Yorkshire, flax manufacturers, Sept. 8 at 11, District Court of Bankruptcy, Leeds, aud. ac.; Sept. 11 at 11, div.—*Thomas Maguire*, Birmingham, draper, Sept. 17 at 12, District Court of Bankruptcy, Birmingham, aud. ac.—*John Marsh*, Brewood, Staffordshire, grocer, Sept. 10 at 12, District Court of Bankruptcy, Birmingham, aud. ac.; Sept. 12 at 12, div.—*Christopher Pope*, St. Philip and Jacob, Gloucestershire, near Bristol, copper wire manufacturer, Sept. 10 at 11, District Court of Bankruptcy, Bristol, aud. ac.; Sept. 11 at 11, div.—*Daniel Stanton*, Bristol, grocer, Sept. 10 at 11, District Court of Bankruptcy, Bristol, aud. ac.—*William Bucknell Lemon*, North-end, Croydon, Surrey, ironmonger, Sept. 11 at half-past 1, Court of Bankruptcy, London, div.—*Joseph Miller*, Whittlebury-street, Hampstead-road, Middlesex, painter, Sept. 11 at 1, Court of Bankruptcy, London, div.

**CERTIFICATES.**

*To be allowed, unless Cause be shewn to the contrary on the Day of Meeting.*

*Benjamin Kent*, Rosherville, Kent, out of business, Sept. 10 at 2, Court of Bankruptcy, London.—*James Thos. Burton*, Piccadilly, Middlesex, wine merchant, Sept. 10 at 11, Court of Bankruptcy, London.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before Sept. 8.*

*Wm. Bucknell Lemon*, North-end, Croydon, Surrey, ironmonger.—*John Smith*, Stratford-upon-Avon, Warwickshire, grocer.

## SEVEN SEQUESTRATIONS.

*Barry and McMillan, Paisley and Bankrow, engineers.—Wm. Moffat and Co., Leith, merchants.—N. Macquoen, Orkney, Skye, deceased.—Wm. Mustard, Blairgowrie, deceased.*

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Edw. Gibbs, Brighton, Sussex, builder, Aug. 31 at 1, Court of Bankruptcy, London.—Henry Bell, Windsor-st., Lower-road, Islington, Middlesex, milkman, Aug. 31 at 1, Court of Bankruptcy, London.—Jacob Haxell, New-st., Gravel-hne, St. Botolph, Aldgate, London, baker, Aug. 31 at 1, Court of Bankruptcy, London.—John Thompson, Whitcomb-street, Pall-mall East, Middlesex, window-blind maker, Aug. 31 at 12, Court of Bankruptcy, London.—John H. Kyan, Arthington-st., Camden-town, Middlesex, clerk in the Audit Office, Somerset-house, Aug. 31 at half-past 12, Court of Bankruptcy, London.—Wm. Hen. Balls, Fortis-green, Hornsey, Middlesex, out of business, Aug. 31 at 1, Court of Bankruptcy, London.—Edw. Hayes, Hayes-place, Euston-square, Middlesex, paviour, Aug. 31 at half-past 1, Court of Bankruptcy, London.—John Brown, Lombard-street, Southwark, Surrey, licensed victualler, Aug. 31 at 11, Court of Bankruptcy, London.—Thos. Benton, Ely, Isle of Ely, Cambridge, waterman, Aug. 31 at 12, Court of Bankruptcy, London.—Jas. Thumant, Silver-st., Wood-st., Chapside, London, shawl fringe maker, Aug. 31 at 12, Court of Bankruptcy, London.—Wm. Wineygar the younger, Enfield, Middlesex, assistant to a market gardener, Aug. 20 at 11, Court of Bankruptcy, London.—Geo. Aug. Masters, Deptford, Kent, sexton, Aug. 31 at half-past 1, Court of Bankruptcy, London.—Wm. Pike, Platt-terrace, Old St. Pancras-road, Middlesex, bricklayer, Aug. 31 at 11, Court of Bankruptcy, London.—Jas. Cardwell, Halsted, Essex, attorney's clerk, Aug. 31 at 12, Court of Bankruptcy, London.—Wm. Townsend, Brighton, drilling master, Aug. 31 at 11, Court of Bankruptcy, London.—Jas. Bishop, Nicholas-lane, London, machine ruler, Aug. 31 at 11, Court of Bankruptcy, London.—Jas. Sheard, Weathersfield, Essex, blacksmith, Aug. 31 at 12, Court of Bankruptcy, London.—John H. Coufield, Carlisle-st., Soho, Middlesex, comedian, Aug. 31 at 11, Court of Bankruptcy, London.—Math. Diggle, Heywood, Heap, Bury, cotton spinner, Aug. 25 at 12, District Court of Bankruptcy, Manchester.—Fred. Price, Dudley, Worcestershire, butcher, Sept. 8 at 12, District Court of Bankruptcy, Birmingham.—Jas. Watts, Crediton, Devonshire, out of business, Sept. 1 at 11, District Court of Bankruptcy, Exeter.—John Taylor, jun., Golcar, Huddersfield, Yorkshire, clothier, Aug. 28 at 11, District Court of Bankruptcy, Leeds.—Wm. Hooley, West Ardsley, Yorkshire, innkeeper, Aug. 28 at 11, District Court of Bankruptcy, Leeds.—Thomas Archer, Welland, Worcestershire, farming bullif, Aug. 29 at 11, District Court of Bankruptcy, Birmingham.—Jas. Stephenson, Liverpool, sail maker's foreman, Aug. 27 at 12, District Court of Bankruptcy, Liverpool.—Jas. Donking, Liverpool, dealer in clocks, Aug. 27 at 11, District Court of Bankruptcy, Liverpool.—Henry Lewis, Shepton Mallet, Somersetshire, baker, Sept. 14 at 11, District Court of Bankruptcy, Bristol.—Edward Gregory, Swansea, Glamorganshire, licensed dealer in wines, Sept. 8 at 11, District Court of Bankruptcy, Bristol.—Jas. Benson, Dudley, Worcestershire, labourer, Sept. 3 at 10, District Court of Bankruptcy, Birmingham.—James Bottom, Derby, hatter, Sept. 1 at 10, District Court of Bankruptcy, Birmingham.—Frederick John Brown, Birmingham, clerk in the Bristol and Birmingham Railway, Aug. 20 at 10, District Court of Bankruptcy, Birmingham.—Evan Thomas Edwards, Caerphilly, Glamorganshire, grocer, Sept. 1 at 11, District Court of Bankruptcy, Bristol.—James Bradford, Liverpool, provision dealer, Aug. 29 at 12, District Court of Bankruptcy, Liverpool.—James Finch, Liverpool, butcher, Aug. 29 at 12, District Court of Bankruptcy, Liverpool.*

*Saturday, Aug. 15.*

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*Christiana Walters, Minra-street, Finsbury, plumbar, No. 58,203 T.; Samuel Smith, assignee.—Thomas Lendsey, Thibberton-sq., Islington, Middlesex, currier, No.*

*58,342 T.; Samuel Bottale, assignee.—Jas. Brocks, Sutton, Ashfield, Nottinghamshire, joiner; Joseph Jew, assignee.—Thomas Dew, Beaton, Wexbury, Wiltshire, yeoman, No. 67,466 C.; Benjamin Calloway, assignee.—David Jones, Barnettin, Hertfordshire, baker, No. 67,588 C.; Duncan Anderson, assignee.—Joseph Clarke, Great Hadham, Hertfordshire, farmer; Charles Clarke and Edward Hollis Anthony, assignees.*

*Saturday, Aug. 15.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Thomas Holliday, Herbert-street, New North-road, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—James Priesman, Barne's-terrace, Barne, Surrey, market gardener: in the Queen's Prison.—William Absalom Darby, Trigon-road, Lambeth, Kennington, Surrey, surveyor: in the Debtors Prison for London and Middlesex.—Wm. Bonser, Ely-place, Hoxton Old-town, Middlesex, toy dealer: in the Debtors Prison for London and Middlesex.—James Edmonds, Bruton-street, Bond-street, Middlesex, boot maker: in the Queen's Prison.—Henry Holloway, Church-street, Lambeth, Surrey, out of business: in the Queen's Prison.—George Miller, Grosvenor-row, Finsbury, egg merchant: in the Debtors Prison for London and Middlesex.—William Payfield, Ealing-green, Middlesex, bricklayer: in the Debtors Prison for London and Middlesex.*

*(On Creditor's Petition).*

*Alexander John Wynne, Royal-street, Lambeth, Surrey, in no profession: in the Queen's Prison.*

*(On their own Petitions).*

*Frederick Forman Gibbs, Bidston, near Liverpool, ship broker: in the Gaol of Lancaster.—John Evans, Deterour, Herefordshire, out of business: in the Gaol of Hereford.—W. Chamberlain, Marlingford, Norfolk, out of business: in the Gaol of Norwich.—James Jones, Birmingham, inspector of Stamp-office licenses: in the Gaol of Warwick.—Jas. Eastman Lewis, Southtown, Suffolk, and Great Yarmouth, Norfolk, ship agent: in the Gaol of Norwich.*

## INSOLVENT DEBTOR'S DIVIDEND.

*Charles Alavoine, Baldwin-street, City-road, carver, Aug. 22, at Cookworthy's, 24, Castle-street, Falcon-square: 3s. 3d. in the pound.*

**FRIDAY, Aug. 21.**

## BANKRUPTS.

**JESSE CORNELIUS MOORE**, Strand, Middlesex, bookseller, publisher, dealer and chapman, Aug. 28 at 11, and Oct. 2 at half-past 1, Court of Bankruptcy, London: Off. Ass. Alsager; Sols. Scott & Co., Lincoln's-inn-fields.—Fiat dated Aug. 18.

**GEORGE AUGUSTUS CAVENDISH**, Church-end, Fackley, Middlesex, lodging-house keeper, Aug. 29 at 11, and Oct. 2 at 2, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Hembury, Bedford-row.—Fiat dated Aug. 13.

**JOHN MILLER**, Mary-street, Hoxton Old-town, Middlesex, baker, dealer and chapman, Sept. 2 at 12, and Oct. 1 at 2, Court of Bankruptcy, London: Off. Ass. Groom; Sol. Hare, 20, Coleman-street.—Fiat dated Aug. 19.

**LOUIS MEUNIER**, Leicester-place, Leicester-square, Middlesex, hotel keeper, Sept. 2 and Oct. 1 at 1, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Harrison & Debroe, Hart-street, Bloomsbury.—Fiat dated Aug. 17.

**WILLIAM GWILLIM MERRITT**, Lendenhall-street, London, and Oliver's-grove, Bow-road, Middlesex, surgeon and apothecary, dealer and chapman, Sept. 5 at half-past 12, and Oct. 8 at 11, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. J. and T. Gole, 49, Lime-street, Lendenhall-street, London.—Fiat dated Aug. 20.

**WILLIAM TEW**, Halifax, Yorkshire, corn and flour dealer, dealer and chapman, Sept. 1 and 22 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Wavell, Halifax; Courtenay, Leeds; Gregory & Co., Bedford-rv. London.—Fiat dated Aug. 17.

**JOHN TAYLOR**, Maltbam, Yorkshire, manufacturer, Sept. 3 and Oct. 1 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sols. Laycock, Huddersfield; Bond, Leeds; Lever, King's-road, London.—Fiat dated Aug. 8.

**JAMES SUTCLIFFE, JOHN SUTCLIFFE, and WILLIAM BERRY**, Birstall, Yorkshire, cotton spinners, dealers and chapmen, Sept. 1 and 22 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Wavell, Halifax; Courtenay, Leeds; Gregory & Co., Bedford-row.—*First dated Aug. 18.*

**RICHARD HENRY HARTLEY**, Halifax, Yorkshire, stock and share broker, accountant, and general agent, Sept. 1 and 24 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Mitchell, Halifax; Courtenay, Leeds; Jacques & Co., Ely-place, London.—*First dated Aug. 18.*

**CHARLES THOMAS WOOD**, Liverpool, corn factor and share broker, Aug. 29 and Oct. 1 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Cresswell; Sols. Robinson, Liverpool; Vincent & Sherwood, Temple, London.—*First dated Aug. 14.*

**EDWARD MUNDY**, Liverpool, house, land, and commission agent, dealer and chapman, Sept. 2 and Oct. 1 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sols. Davies, Liverpool; Rogerson, Lincoln's-inn-fields, London.—*First dated Aug. 12.*

**HENRY TATE and ROBERT LUCAS NASH**, Bristol, stock and share brokers, dealers and chapmen, Sept. 4 at 12, and Oct. 15 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sol. Fox, Bristol.—*First dated Aug. 11.*

#### MEETINGS.

*Lawrence Kennedy*, Rochester-terrace, Stoke Newington, Middlesex, pawnbroker, Sept. 16 at 1, Court of Bankruptcy, London, last ex.—*Thomas Moger*, Holborn-hill, London, and Coventry-street, Middlesex, poultryer, Sept. 16 at half-past 12, Court of Bankruptcy, London, last ex.—*George Price*, Romsey, Hants, wine merchant, Sept. 16 at 12, Court of Bankruptcy, London, last ex.—*George Baxter*, Church-st., St. George's, Southwark, Surrey, carrier, Sept. 1 at 11, Court of Bankruptcy, London, last ex.—*Richard Knight and Alfred Knight* the younger, Budge-row, London, wholesale stationers, Sept. 17 at 2, Court of Bankruptcy, London, and. ac.—*Ch. McKinnell*, Fenchurch-street, London, wine merchant, Sept. 16 at 2, Court of Bankruptcy, London, and. ac.—*H. Buena-riete Smith* and *J. Alexander T. Mathews*, Great Dover-road, Newington, Surrey, glass merchants, Sept. 17 at 1, Court of Bankruptcy, London, and. ac.—*Wm. Marshall Smithson*, Canterbury, printer, Sept. 17 at half-past 2, Court of Bankruptcy, London, and. ac.—*G. B. Wedgworth*, Broad-street, Golden-sq., Westminster, Middlesex, apothecary, Sept. 17 at 12, Court of Bankruptcy, London, and. ac.—*James Bird*, Club-row, Bethnal-green, Middlesex, timber merchant, Sept. 16 at half-past 2, Court of Bankruptcy, London, and. ac.—*Richard Mills and George Puckle*, Southwark, and Corn Exchange, Mark-lane, London, hop factors, Sept. 12 at 11, Court of Bankruptcy, London, and. ac.—*Arthur Burton*, Ranelagh-wharf, Pimlico, Middlesex, coal merchant, Sept. 15 at 11, Court of Bankruptcy, London, and. ac.—*Edw. Beedel and Charles Refold*, Reading, Berkshire, builders, Sept. 13 at 1, Court of Bankruptcy, London, and. ac.—*J. Collins Staines*, Oundle, Northamptonshire, tailor, Sept. 12 at half-past 11, Court of Bankruptcy, London, and. ac.—*Wm. Locke*, Leonard-street, Shoreditch, Middlesex, timber merchant, Sept. 12 at 12, Court of Bankruptcy, London, and. ac.—*Jas. Perry*, Harlow, Essex, grocer, Sept. 15 at 11, Court of Bankruptcy, London, and. ac.—*Mark Cooke*, Denton, Manchester, joiner, Sept. 15 at 12, District Court of Bankruptcy, Manchester, and. ac.—*John Nield*, Manchester, and Bank-mill, near Lees, Ashton-under-Lyne, Lancashire, also of Saddleworth, Yorkshire, woollen manufacturer, Sept. 15 at 12, District Court of Bankruptcy, Manchester, and. ac.—*Wm. Richardson*, Newcastle-upon-Tyne, glass manufacturer, Sept. 10 at half-past 10, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac.—*Mark Barnes*, Woodbridge, Suffolk, chymist, Sept. 12 at 11, Court of Bankruptcy, London, div.—*J. Godfrey Wilson*, Standard Factory, Wenlock-basin, Wharf-road, City-road, Middlesex, engineer, Sept. 12 at 11, Court of Bankruptcy, London, div.—*Joseph Salmon*, Beaumont, Essex, carpenter, Sept. 12 at 2, Court of Bankruptcy, London, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Wm. Joy*, Tonbridge, Kent, plumber, Sept. 11 at 2, Court of Bankruptcy, London.—*James Weston*, Bishopsgate-street

Within, London, hatter, Sept. 14 at 12, Court of Bankruptcy, London.—*Joseph H. Nell*, John-street, Tottenham-court-ed., Middlesex, builder, Sept. 17 at half-past 1, Court of Bankruptcy, London.—*C. G. M. J. Hopkins*, Portman-st., Portman-square, Middlesex, tailor, Sept. 11 at 11, Court of Bankruptcy, London.—*A. Reed and S. J. Powell*, Tottenham-court-road, Middlesex, ironmongers, Sept. 11 at 12, Court of Bankruptcy, London.—*J. Vells*, Manchester, and Arncliffe Mottram, Cheshire, commission agent, Sept. 12 at 11, Court of Bankruptcy, London.—*Rob. Hearn*, Deddington-grove, Kennington, Surrey, and Wood-st., Chesham, London, commission agent, Sept. 17 at 11, Court of Bankruptcy, London.—*John Jos. Taylor*, Tooley-street, Southwark, Surrey, tobaccoist, Sept. 17 at 2, Court of Bankruptcy, London.—*Wm. Henry Howgfield*, Cardiff, Glamorganshire, draper, Sept. 14 at 11, District Court of Bankruptcy, Bristol.—*Griffith J. Hughes*, Liverpool, commission merchant, Sept. 15 at 11, District Court of Bankruptcy, Liverpool.—*Edward S. Hawley*, Birmingham, grocer, Sept. 29 at 10, District Court of Bankruptcy, Birmingham.—*Samuel Hall*, Manchester, commission agent, Sept. 15 at 1, District Court of Bankruptcy, Manchester.—*J. Scholes*, Blackley, Manchester, dealer and chapman, Sept. 15 at 12, District Court of Bankruptcy, Manchester.—*Horatio Raine*, Newton-wood, Newton, Cheshire, boiler maker, Sept. 14 at 12, District Court of Bankruptcy, Manchester.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Sept. 11.*

*Sam. A. Bull*, Frome Selwood, Somersetshire, dyer.—*R. Mills and Geo. Puckle*, Southwark, and Corn Exchange, Mark-lane, London, hop factors.—*Jas. Baines*, Manchester, grocer.—*John Bury*, Crampers, Wharf-road, City-basin, City-road, Middlesex, coal merchant.—*Hen. Harris*, Leman-st., Goodman's-fields, Middlesex, teacher at the Jews' Orphan Asylum.—*Edw. Smyth*, Hill-st., Windmill-st., Finsbury, Middlesex, upholsterers' fringe manufacturer.—*Chas. Waddams*, Charlotte-st., Portland-place, New-road, Middlesex, carpenter.—*Wm. Baldock*, Nottingham, grocer.

#### FIATS ANNULLED.

*Jos. L. Butler*, Liverpool, coal merchant.—*Wm. Curtis*, Croydon, Surrey, builder.

#### PARTNERSHIP DISSOLVED.

*Robert Russell and Geo. Mackenzie*, Martin's-lane, Cannon-st., London, attorneys and solicitors.

#### SOURCE SEQUESTRATIONS.

*Wm. Scott*, dec., Edinburgh, painter.—*Jas. Rankine*, Falkirk, Stirlingshire, distiller.—*Wm. Shand & Co.*, Glasgow, merchants.—*John Clark*, Campbelltown, Ardenier, Inverness-shire, fisher.—*Wm. Thom*, Langloan, fisher.—*Don. Simpson and Quintin Dick*, Glasgow, writers.—*Wm. Greig and Wm. J. Carswell*, Glasgow, stockbrokers.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Wm. H. Green*, Bedford, dyer, Sept. 17 at 11, Court of Bankruptcy, London.—*Isaac Morley*, Penistone, Yorkshire, butcher, Sept. 1 at 11, District Court of Bankruptcy, Leeds.—*Dan. Stead*, Daw-green, Dewsbury, Yorkshire, weaver, Sept. 1 at 11, District Court of Bankruptcy, Leeds.—*John Greenwood*, Bradford, Yorkshire, cordwainer, Sept. 1 at 11, District Court of Bankruptcy, Leeds.—*John Gilling*, Rotherham, Yorkshire, tailor, Aug. 28 at 11, Town-hall, Sheffield.—*Wm. Broadhead*, Leeds, Yorkshire, cloth drawer, Aug. 28 at 11, District Court of Bankruptcy, Leeds.—*John Crookes*, Thornset, Bradford, Ecclesfield, Yorkshire, quarryman, Aug. 28 at 11, Town-hall, Sheffield.—*Thos. Norris*, Sneinton, Nottinghamshire, accountant, Sept. 8 at 12, District Court of Bankruptcy, Birmingham.

*Wednesday, Aug. 19.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Henry Herbert Player*, Maddox-st., Regent-st., Middlesex, gentleman: in the Debtors Prison for London and Middlesex.—*Jos. Ansell*, Lucas-st., Commercial-road, Middlesex, licensed hawk: in the Debtors Prison for London and Middlesex.—*Jas. Lathbury*, Aldgate High-st., Whitechapel, London, meat salesman: in the Debtors Prison for London

and Middlesex.—*Henry Godfrey*, Harrington-street North, Hampstead-road, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Charles Leach*, Great Marlborough-st., Middlesex, furnishing ironmonger: in the Debtors Prison for London and Middlesex.—*Roger Robson*, Jeffery's-terrace, Bridge-st., Mile-end, Middlesex, provision merchant: in the Queen's Prison.—*Ed. Flowers*, Claremont-row, Barnsbury-road, Islington, Middlesex, cheesemonger: in the Debtors Prison for London and Middlesex.—*J. Girling*, Great Cambridge-st., Hackney-road, Middlesex, builder: in the Debtors Prison for London and Middlesex.

(On Creditor's Petition).

*Hen. Davey*, Star-st., Edgeware-road, Paddington, Middlesex, lodging-house keeper: in the Debtors Prison for London and Middlesex.

(On their own Petitions).

*Sam. Vickers*, Hulme, Manchester, ale and porter dealer: in Lancaster Castle.—*Rich. Ellis*, Teddington, near Malton, Yorkshire, clerk: in York Castle.

INSOLVENT DEBTORS' DIVIDENDS.

*Fasham Nairn*, James-grove, Peckham New-town, Surrey, clerk: 4s. 4d. in the pound.—*Geo. Dominick Patrick Keating*, Seymour-place, Bryanstone-square, Middlesex, bookseller: 12s. 8d. in the pound.—*Martin Rawling*, Bridge-terrace, Old Brentford, Middlesex, superannuated clerk in the East India Company: 2s. 10½d. in the pound.—*Henry Robinson*, Dogdyke, Coningsby, Lincolnshire, victualler: 2s. 6d. in the pound.—*Thos. Walker*, Bermondsey-st., Bermondsey, Surrey, fellmonger: 3s. 5½d. in the pound.—*Stephen Hooke Wiles*, Heigham, Norwich, out of business: 2s. 6½d. in the pound.—*Robert Harris*, Meadow-place, Kennington-oval, Kennington, Surrey, clerk in the Customs: 4s. in the pound.—*Vincent Tregear*, New North-st., Red Lion-square, Middlesex, master in the Royal Navy: 5s. in the pound.—*Clarence Rhind*, Chatham-hill, Chatham, Kent, clerk in her Majesty's dock-yard: 1s. 3½d. in the pound.—*Ralph Croster Coates*, Old Elvet, Durham, grocer: 2s. 6½d. in the pound.—*Thos. Dawson*, South Shields, Durham, innkeeper: 7½d. in the pound.—*John Storror*, Plumpton-head-hall, Laxby, Cumberland, farmer: 5s. 11½d. in the pound.—*Wm. James Martin*, Durham, tailor: 1s. 0½d. in the pound.—*J. Charles Jampeon*, Southville-cottages, Larkhall-lane, Stockwell, Surrey, out of business: 10½d. in the pound.—*Sam. Sheering*, St. Philip and Jacob, Gloucester, victualler: 6s. 6d. in the pound.—*Joseph Nettleton*, Oswest, West Riding of Yorkshire, innkeeper: 5s. 4d. in the pound.—*Jos. Foss Dession*, White Hart-st., Kennington, Surrey, master in the Navy: 6s. in the pound (making 20s.).—*George Morgan*, Marlborough-street, Regent-st., Middlesex, cheesemonger: 8½d. in the pound.—*Geo. Richards*, North Grove-house, Ealing-lane, Middlesex, captain in the Royal Marines: 4s. 2d. in the pound.

Apply at the Provisional Assignee's Office, Portugal-street, Lincoln's-inn-fields, between the hours of 10 and 1.

*Wm. Parker Rogers*, Cable-street, Whitechapel, butcher, Roach's, 3, Staple-inn, Holborn: 1s. 5½d. in the pound, (in addition to 1s. 10½d.).

The Queen has been pleased to direct letters-patent to be passed under the Great Seal, granting the dignity of a Knight of the United Kingdom of Great Britain and Ireland unto Alfred Stephen, Esq., Chief Justice of New South Wales.

**MASTER IN CHANCERY.**—The Lord Chancellor has appointed William Bowen, of Stafford, Gent., to be a Master Extraordinary in the high Court of Chancery.

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Printed by **WALTER M'DOWALL**, PRINTER, residing at No. 4, Pemberton Row, Gough Square, in the Parish of St. Bride, in the City of London, at his Printing Office, alternate No. 5, Pemberton Row above said; and Published at No. 3, CHANCERY LANE, in the Parish of St. Dunstan in the West, in the City of London, by **HENRY SWEET**, LAW BOOKSELLER and PUBLISHER, residing at No. 11, John Street, Bedford Row, in the County of Middlesex. Saturday, August 22, 1846.

# The Jurist

No. 503—VOL. X.

AUGUST 29, 1846.

PRICE 1s.

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		Court of Review .....	{ W. W. COOPER, Esq. of the Inner Temple, Barrister at Law.

LONDON, AUGUST 29, 1846.

THE bill now before the House of Commons for constituting Commissioners of Railways, may be considered the germ of most important measures. It is conceived in language so large, on some points, as to permit the experiment of the Legislature referring to a permanent body, the consideration of many matters which are now inquired into by the committees of the two Houses; and it may, 'and probably will, pave the way to the establishment of what has been so often advocated in these pages, viz. a tribunal in the nature of a judicial committee, to consider and report to the two Houses, upon the business relating to the establishment by proposed railway companies, of their claims to the sanction of the Legislature.

The ostensible and immediate object of the bill is to constitute a separate board for the transaction of the business at present entrusted, under several statutes, to the Board of Trade; and it is proposed to be enacted for that purpose, that the Queen shall appoint five commissioners, removeable at her pleasure:—one of them to be a paid president, who may be in Parliament; two to be paid commissioners, incapable of sitting in Parliament; and two to be unpaid, and capable of sitting in Parliament. It is almost a waste of words to observe, that the business and power of the board will be, in all probability, after a very short time, concentrated in the president and the two paid commissioners; and it is not easy to be understood why the two unpaid commissioners, who are obviously intended to be Members of Parliament, should be added to the machinery, unless it be, in imitation of the committee-men of the Commonwealth, to act as organs of Parliament, to watch and see that the servants of Parliament do not become its masters.

By the 2nd clause, the commissioners are to have all

the powers now vested in the Board of Trade with respect to railways and railway companies; and this seems to be the immediate object of the bill. But the preamble and the 10th clause shew that it is intended to give the commissioners a much more extensive field of operation. "Whereas," says the preamble, "by an act passed in the fourth year of the reign of her Majesty, intituled, 'An Act for regulating Railways;' and by another act passed in the sixth year of the reign of her Majesty, intituled, 'An Act for the better Regulation of Railways, and for the Conveyance of Troops;' and by another act passed in the eighth year of the reign of her Majesty, intituled, 'An Act to attach certain Conditions to the Construction of future Railways, authorised, or to be authorised, by any Act of the present or succeeding Sessions of Parliament, and for other Purposes relating to Railways;' and by two other acts passed in the last session of Parliament for consolidating in one act certain provisions usually inserted in acts authorising the making of railways respectively, and by sundry local acts of Parliament, certain powers with respect to railways are vested in the Lords of the Committee of her Majesty's most Honourable Privy Council for Trade and Foreign Plantations; but it is expedient that a separate department be constituted for *these purposes and for other purposes relating to railways*; be it enacted," &c.

And the 10th clause is in the following words:—"Be it enacted, that it shall be the duty of the said commissioners to examine and report to her Majesty and both Houses of Parliament *upon any subject relating to any railway, or proposed railway*, which shall be referred to them for their opinion by her Majesty, or by either House of Parliament; and especially in the case of any application to Parliament for any act for making or maintaining any railway, it shall be their duty to inquire and report,





- "Firstly, Whether there are any lines or schemes competing with the proposed railway:
- "Secondly, Whether by the bill for such act it is proposed to take powers for uniting with such railway, or proposed railway, any other railway or canal, or to purchase or lease any railway, canal, dock, road, or other public work, undertaking, or easement:
- "Thirdly, Whether by such bill it is proposed to constitute any branch railway, or any other work in connexion with the proposed railway:
- "Fourthly, Whether any plans and sections of any such proposed railway, which, pursuant to any order of either House of Parliament, shall have been deposited in their office, are correct, and, if not, in what particulars, and how far, they are incorrect, and whether or not, in the opinion of the commissioners, such errors as they shall find are material to the object for which such plans and sections are required."

We see, therefore, by the preamble, that the new board is intended to be a department acting for the purposes for which, before, the Board of Trade acted; and for other purposes also, for which the Board of Trade had no power to act. And, by the 10th section, we see that the new board is to examine and report upon *any* subject relating to any railway, or *proposed railway*, which shall be referred to it by the Queen, or by either House. Under this clause, it is manifest that a reference to the board might be directed to inquire and report to either House, whether a proposed railway company could make a case for a bill; in other words, either House may, if it thinks fit, under this clause, refer to the railway commissioners precisely the business that it now transacts in its own committees. A board constructed under this bill will not, we conceive, be armed with powers and machinery sufficient to enable it to transact the whole business of a Parliamentary railway committee, nearly so well as such committee; and it is probably not intended by either House at present to part with its privilege of deciding on railway applications in its own committees. But we have no doubt, that, the board being there, and the power of referring matters to it being there, the honourable Houses will begin by referring to it from time to time such matters as they find troublesome, and will gradually slide into the habit of adopting the board, so far as its construction enables it to be useful, as a sort of judicial committee to advise them. If, therefore, this bill passes into law, the first step will have been taken towards the formation of a distinct tribunal for the dispatch of railway business; and we may, ere long, hope to see a regular fixed court established by Parliament, in which such business will be disposed of in a way much more complete, and less expensive, than has yet been known.

#### ON THE WEIGHT DUE TO SCIENTIFIC EVIDENCE.

THERE is a species of evidence on which, ex necessitate rei, much reliance must be placed in a considerable class of cases, but which it has been the fashion of late years to receive with something too much of blind ac-

quiescence. We allude to the opinions of scientific persons, resorted to as evidence of natural or mechanical phenomena. In cases of alleged murder, where the suspected cause of death is poison, and either the fact of poison having been administered, is denied; or, that fact being admitted, the defence is, mistake in the selection between poison and medicaments; or where the fact of murder by violence, or otherwise, is not denied, but the defence is, the state of mind of the homicide;—in civil cases, also, turning upon patent rights, where the fact of infringement of a patent depends frequently on the question, whether certain mechanical combinations are or are not discoveries, or whether they are merely mechanical equivalents for other combinations, —in cases turning upon many other rights of property, in which the mechanical effect of the natural power, such as the force exercised by bodies of water in motion under a given state of circumstances:—in all these, and many others, courts of justice are compelled to call in to assist them, the testimony of persons expert, or reputed to be expert, in the particular branch of knowledge affecting the contested facts, and, to a certain extent, to rely upon their opinions as evidence of the results that must necessarily follow certain assumed states of circumstances. But courts and juries are not bound, and ought not to do what they too frequently do, viz. assume that witnesses brought forward as scientific men, and enjoying a high public reputation as such, have exhausted the subject to which they have applied themselves, and have let nothing escape their notice which might tend to disturb the calculations on which they base their testimony.

We have seen on many recent occasions, that the testimony of medical men has been accepted as conclusive, with reference to the state of sanity of a person charged with crime, when a very little examination of their evidence would have shewn, that, however superior they may be, and naturally must be, to lawyers in their knowledge of the theory and indicia of mental disease, they are yet uninformed on so many points, that their reasonings are, upon the face of them, based on an incomplete state of facts, and, therefore, inconclusive.

On other occasions, our books contain many examples of faith being placed in the opinions of scientific persons, as evidence of facts in mechanical philosophy, which increased knowledge, and that at no very distant period, has shewn to be altogether unfounded assumptions instead of facts. We need only refer to the celebrated instance mentioned by the late Mr. Greeley in his work on Evidence, (p. 380). "I may be permitted to observe," says that writer, "that witnesses of this description are apt to make themselves appear less trustworthy, by forgetting that their science has advanced them beyond the ideas of people in general. Mr. Brunel being asked, in cross-examination, before a committee a few years since, (we believe the period of this examination was somewhere about 1826), how fast steam-carriages might be expected to travel on railroads, answered, 'Very possibly ten miles an hour;' upon which the counsel contemptuously told him to stand down, for he should ask him no more questions; and the weight of his former evidence was very much impaired."

Now here Mr. Brunel was treated by counsel as a foolish witness, because such implicit faith was placed in the general opinion of scientific men, who then thought it perfectly absurd to anticipate a speed of more than five or six miles per hour as possible, that evidence so strongly at variance with that opinion would, it was felt, be considered by the court as evidence of the insanity of the witness, rather than of the fact to which he was testifying.

But it is particularly with reference to adopting the evidence of chemists, that the utmost caution ought to be exercised; because, on the subjects to which their studies and experiments apply, differences of procedure or manipulation, so slight as to elude the most vigilant, will sometimes produce the most striking differences in the results; so that inferences totally at variance with truth may be drawn, by adopting as evidence the opinions of even very skillful men. An example of this kind occurred on a very recent trial, shewing the extreme caution that is requisite in founding conclusions for or against a prisoner, upon the result of chemical experiments.

The trial was of a young woman on a charge of the murder of an infant, by administering vitriol to it. The prisoner's defence rested mainly upon this question: whether sulphuric acid, sugar, and water, mixed together in certain proportions, would, *in point of colour*, produce, a few minutes afterwards, a similar, or somewhat similar appearance, to a mixture of anniseed, sugar, and water mixed in the same proportions. The effect of the evidence generally was such, that upon the solution of this question depended the conclusion of guilty or not.

If the *same result as to appearances* followed upon the mixing of both sets of ingredients, it established the prisoner's innocence. If a palpably different colour and appearance was the result, it went very far towards establishing the presumption of her guilt.

The question was put to a surgeon of extensive general practice, and his answer was, that the two mixtures would produce similar or nearly similar appearances. After he had given his evidence, and whilst the trial was proceeding, a doubt arising in his mind, he left the court, and, with an eminent chemist, also a witness at the trial, made the experiment. They returned into court, and the surgeon requested the judge to allow him to correct his testimony, stating that he found, upon trial, that the two mixtures produced very different appearances, and he held up in court two wine-glasses, one with the anniseed mixture, which was of a *yellow* colour, the other with the sulphuric acid mixture, which was perfectly *black*. The counsel for the prisoner inquired *in what order* the witness had mixed the ingredients producing the black appearance, and, finding that it had been done in the following order, viz. the sulphuric acid first, then the sugar, and then the water, he required that the experiment should be repeated in court, putting first the sulphuric acid, then the water, and then the sugar. The result of this order of mixing was, that the compound solution was of a *yellow* colour, and as nearly as possible resembled the mixture of anniseed, sugar, and water.

But for the information, possibly obtained by a mere chance experiment, which suggested to the advisers of the prisoner, how much depended upon the order in which the ingredients were mixed, it is obvious that in this case an innocent life might have been sacrificed to an error in a chemical experiment, resting upon a cause so trifling as to elude the observation of men of undoubted professional skill and knowledge.

## Correspondence.

TO THE EDITOR OF "THE JURIST."

Sir,—The passing of the acts of last session\* "to facilitate the conveyance of real property," and "to facilitate the granting of certain leases," being followed by the introduction of another conveyancing bill in the present session, has necessarily directed much of the attention of the Legal Profession not merely to these acts and bill, but also to the general advisability of the mode of legislation adopted in them.

The proposed bill is too bulky to be treated of in so short a communication as I purpose troubling you with. On the acts of last session I beg to make two or three observations.

The covenants for title given in the second column of the Schedule to the Conveyance Act, and intended to be expressed shortly by the first column, have now become positive covenants, having, previously to 1844, been exceptive; and to that extent the change effected is advantageous, inasmuch as the covenants (that is, the old forms in column 2) now express what the parties intend—what the covenanting party is to answer for,—instead of being, as formerly, a clumsy way of expressing that the covenantor would *not* be answerable for the acts, &c. of any persons *except* those mentioned in the covenants. This change is not, however, produced by the Conveyance Act itself, but by the 4th section of the previous act of the same session†, "to amend the law of real property," which is a substitute for the 6th section of the act of 7 & 8 Vict. c. 76, "An Act to simplify the Transfer of Property." The general covenant for title legally implied by the word "give" or the word "grant," being taken away by the Real Property Act, renders the covenants in the Conveyance Act positive, as just mentioned‡. On the covenant (No. 6) for production of deeds, it is to be observed, that it does not contain the usual, and it might be almost said universal, proviso for the case of the deeds being handed over to a purchaser, &c.

Passing by these matters as of little comparative importance, the great question presents itself, whether it is desirable to frame deeds by the aid of interpretation clauses, or rather interpretation acts,—a question of great importance to all having, or hoping to have, property, and which, to some extent, has been, and to an almost endless extent will be, discussed by various writers in periodicals of all periods, and in pamphlets innumerable. I shall, therefore, remark only, that, if it be a good way of shortening deeds, it might be carried to perfection by referring to the parts of the deeds by numbers; for example: "This indenture, &c., between &c. Property settled, 3000*l.* Consols. Settlement clauses, Nos. 1, 2, 3, &c. In witness, &c.;" or the conclusion might also be a number included in the "&c."

\* 8 & 9 Vict. cc. 119, 124.

† 8 & 9 Vict. c. 106.

‡ We think the expressions of our correspondent are not perfectly accurate upon this point, and may lead into error. The old covenants for title were not strictly either positive or exceptive: they are qualified, as distinguished from absolute; but they were never exceptive, and are not rendered, by the effect of the 8 & 9 Vict. c. 106, and 8 & 9 Vict. c. 119, more positive than they were before. The ordinary covenants for title were, and will be still, under the 8 & 9 Vict. c. 119, simply covenants that the acts and omissions of certain specified persons have had, and still have, no effect in damaging the title and the enjoyment of the covenantee.

Another, and an essentially practical question, is, whether the short forms or abstracts in column 1 of the schedules of these acts correspond with the long covenants in column 2. My attention happens to have been directed to No. 8 in the Lease Act, to which number I shall confine myself, leaving the other numbers of it, and all the numbers of the other act, and of the proposed bill, to the examination of others.

#### SCHEDULE OF LEASE ACT.

8. That the said [*lessee*] will not use premises as a shop.

8. And also that the said lessee, his executors, administrators, and assigns, will not convert, use, or occupy the said premises, or any part thereof, into or as a shop, warehouse, or other place for carrying on any trade or business whatsoever, or suffer the said premises to be used for any such purpose, or otherwise than as a private dwelling-house, without the consent in writing of the said lessor.

That column 1 does not express or even intimate the contents of column 2 is apparent on inspection. But, with reference to decided cases, I would ask, whether any man would suppose, that, by covenanting not to open a shop, he was binding himself not to keep a school. "But now so it is," to borrow a phrase from Chancery pleadings. In *Doe d. Bish v. Keeling*, (1 M. & S. 95), being ejectment for breach of covenant not to "use or exercise, or permit or suffer to be used or exercised, in or upon the same premises, or any part thereof, any trade or business whatsoever," by keeping a school there, it was held by the whole court that keeping the school was a breach of the covenant. Had the expression in column 1 been "not to carry on any trade," in lieu of "not to keep a shop," it would not have extended to the school; for, in the case cited, the contention was as to the effect of the words "or business" following the word "trade;" it being admitted that keeping a school was not a trade\*: and Mr. Justice Le Blanc commenced giving his opinion by saying, "I do not think that the meaning of the parties can be fairly confined to trade, because they have used in addition the word 'business,' which must be intended of something not falling within the description of trade."

It is thus shewn, that, according neither to popular nor to legal interpretation, does column 1 express column 2, or give a clue to the meaning of the latter; but, on the contrary, it excepts by implication, according to the authority of *Doe v. Keeling*, many of the matters mentioned in column 2. But suppose a house let to a schoolmaster and his school to be made an exception, the clause will then stand, "That the lessee shall not use premises as a shop, except by keeping a school;" after which, who will pronounce law to be the perfection of reason?

With reference to the preceding observations upon the covenants for title in the Conveyance Act, it may be as well to notice that the covenant for quiet enjoyment in the Lease Act retains its exceptive character as operating to restrict the lessor's general liability under the word "demise."

**MASTERS IN CHANCERY.**—The Lord Chancellor has appointed the following gentlemen Masters Extraordinary in the high Court of Chancery:—William Burton, of Manchester, and Thomas John Barstow, of Dedham, Essex.

\* Skinner, 292 and 3 Mod. 330 were quoted; and see *Ex parte Collins*, (1 Rose, 373).

## Imperial Parliament.

### HOUSE OF LORDS.

Wednesday, Aug. 26.

The Small Debts Bill was ordered to be printed with the Commons' amendments, and to be taken into consideration on Thursday.

Thursday, Aug. 27.

The Railway Commission Bill was read a third time, and passed.

The Small Debts Bill came before the House.

The Lord Chancellor proposed an amendment, to enable several judges of existing courts who have practised as conveyancers to continue their chamber practice, but not to practise in the courts, in the event of their being appointed judges of the new courts.

The Commons' amendments and the Lord Chancellor's amendment were then agreed to.

### London Gazettes.

TUESDAY, AUGUST 25.

#### BANKRUPTS.

**WILLIAM POUNELL**, High-street, Poplar, Middlesex, grocer and cheesemonger, Sept. 3 at half-past 12, and Oct. 2 at half-past 11, Court of Bankruptcy, London: Off. As. Whitmore; Sol. Grainger, Bucklersbury.—Fiat dated Aug. 20.

**HENRY WOOLCOTT**, Museum-street, Bloomsbury, Middlesex, fringe manufacturer, trader, dealer and chapman, Sept. 5 at half-past 11, and Oct. 2 at half-past 12, Court of Bankruptcy, London: Off. Ass. Alsager; Sols. Willoughby & Jacquet, Clifford's-inn.—Fiat dated Aug. 20.

**WILLIAM SUTCLIFFE**, Lawrence-lane, London, warehouseman, dealer and chapman, Sept. 3 at half-past 1, and Oct. 9 at 11, Court of Bankruptcy, London: Off. Ass. Alsager; Sols. Hardwick & Davidson, Basinghall-street.—Fiat dated Aug. 19.

**JOSEPH HARVEY**, King William-street, London, lamp manufacturer, Sept. 5 at 1, and Oct. 6 at 11, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Norton & Son, New-street, Bishopsgate.—Fiat dated Aug. 21.

**JOHN HUMFREY**, Hockley, Warwickshire, coal, lime, and timber dealer, Sept. 5 and 29 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sol. Rawlins, Birmingham.—Fiat dated Aug. 17.

**JOHN BRINDLEY**, Coventry, Warwickshire, laceman, dealer and chapman, Sept. 5 and Oct. 13 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sols. Sutton, Birmingham; Llewellyn, 29, Noble-street, Cheapside, London.—Fiat dated Aug. 11.

**JOHN BOLAND**, Manchester, hardwareman, dealer and chapman, Sept. 4 and 25 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Mottram & Co., Birmingham; Sale & Co., Manchester; Smith & Co., Bedford-row, London.—Fiat dated Aug. 14.

**RICHARD YATES and THOMAS HARTLEY WILLIAMS**, Manchester, merchants and commission agents, dealers and chapmen, Sept. 8 and 29 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Sale & Co., Manchester; Reed & Langford, Friday-st., Cheapside, London.—Fiat dated Aug. 21.

#### MEETINGS.

*John Lead*, Wellington, Shropshire, wine and spirit merchant, Sept. 1 at 12, District Court of Bankruptcy, Birmingham, last ex.—*Edward Sewell*, Old Bond-street, Middlesex, hatter, Sept. 24 at half-past 1, Court of Bankruptcy, London, aud. ac.—*Robert Howard Page*, Great Yarmouth, Norfolk, innkeeper, Sept. 24 at 11, Court of Bankruptcy, London, aud. ac.—*Thomas Rice Hart*, Lea-bridge, Essex, victualler, Sept. 23 at 1, Court of Bankruptcy, London, aud. ac.—*Jos. Haynes*, Aldermanbury, London, woollen warehouseman, Sept. 23 at 11, Court of Bankruptcy, London, aud. ac.—*John Beaton*, Upper-st., Islington, Middlesex, tailor, Sept. 22 at 2, Court of Bankruptcy, London, aud. ac.—*Chas. Hambridge*, Curtain-road, Shoreditch, and Milner's-mews, Hardington-st., Pad-

dington, Middlesex, coachsmith, Sept. 22 at 12, Court of Bankruptcy, London, aud. ac.—*Henry Watkinson*, President-st. East, and Macclesfield-st. South, City-road, Middlesex, carpenter, Sept. 23 at half-past 11, Court of Bankruptcy, London, aud. ac.—*T. Court*, Brighton, Sussex, boot maker, Sept. 23 at half-past 12, Court of Bankruptcy, London, aud. ac.—*Alex. Beattie* and *F. Macnaghten*, Nicholas-lane, Lombard-st., London, merchants, Sept. 18 at half-past 12, Court of Bankruptcy, London, aud. ac.—*Chas. Ains*, Newport, Isle of Wight, Southampton, innkeeper, Sept. 18 at half-past 12, Court of Bankruptcy, London, aud. ac.—*Thomas Freeman*, Wood-st., Cheapside, London, fringe manufacturer, Sept. 18 at half-past 12, Court of Bankruptcy, London, aud. ac.—*Ju. Evans*, Haywood-lodge, Herefordshire, cattle dealer, Oct. 6 at 12, District Court of Bankruptcy, Birmingham, aud. ac.; Oct. 8 at 12, div.—*Jas. Edwards*, Digbeth, Birmingham, ironfounder, Oct. 6 at 12, District Court of Bankruptcy, Birmingham, aud. ac.; Oct. 8 at 12, div.—*Thos. Scott* and *J. Scott*, Birmingham, merchants, Sept. 17 at 12, District Court of Bankruptcy, Birmingham, aud. ac. joint and sep. est. of *John Scott*.—*Thos. Wenman*, Birmingham, merchant, Sept. 15 at 12, District Court of Bankruptcy, Birmingham, aud. ac.; Sept. 17 at 12, div.—*John Biggs*, Houndsditch, London, undertaker, Sept. 22 at 11, Court of Bankruptcy, London, div.—*Jas. Bryant*, Mayfield, Sussex, draper, Sept. 24 at 12, Court of Bankruptcy, London, div.—*Rich. Brailford*, Enfield, Middlesex, common brewer, Sept. 29 at 12, Court of Bankruptcy, London, div.—*John Collins Staines*, Oundle, Northampton, tailor, Sept. 15 at 2, Court of Bankruptcy, London, div.—*John Burgh Crampers*, Wharf-road, City-basin, City-road, Middlesex, coal merchant, Sept. 15 at 12, Court of Bankruptcy, London, div.—*Charles Ball*, Lane-end, Cheadle, Staffordshire, linendraper, Oct. 8 at 12, District Court of Bankruptcy, Birmingham, aud. ac. and div.—*Mark Cooke*, Denton, Manchester, joiner, Sept. 16 at 12, District Court of Bankruptcy, Manchester, div.—*John Nield*, Manchester, and Bank-mill, near Lees, Ashton-under-Lyne, Lancashire, and Saddleworth, Yorkshire, woollen manufacturer, Sept. 16 at 12, District Court of Bankruptcy, Manchester, div.—*John Seaton*, Winkhouse, Yorkshire, farmer, Sept. 24 at 11, District Court of Bankruptcy, Leeds, div.—*E. Tomkies* and *Thos. Tomkies*, Shrewsbury, Shropshire, and Manchester, Lancashire, fellmongers, Sept. 19 at 11, District Court of Bankruptcy, Birmingham, fin. div.—*Thos. Simmons*, Woodburn, Buckinghamshire, corn merchant, Sept. 22 at half-past 1, Court of Bankruptcy, London, aud. ac.

#### CERTIFICATE.

To be allowed, unless Cause be shown to the contrary on the Day of Meeting.

*James Hare*, New-st., Dorset-square, Middlesex, linen-draper, Sept. 18 at 11, Court of Bankruptcy, London.—*R. Arthur Fitzhardinge Kingscote*, Sandgate, Kent, merchant, Sept. 18 at 12, Court of Bankruptcy, London.—*Wm. Morpew*, Sevenoaks, Kent, linendraper, Sept. 22 at 1, Court of Bankruptcy, London.—*Rich. Brailford*, Enfield, Middlesex, common brewer, Sept. 29 at 12, Court of Bankruptcy, London.—*Thomas Oakley*, St. Alban's, Herefordshire, farmer, Sept. 24 at 2, Court of Bankruptcy, London.—*John Duff*, Upper-st., St. Mary, Islington, Middlesex, carpenter, Sept. 23 at 12, Court of Bankruptcy, London.—*Abraham S. Syer*, Sudbury, Suffolk, dealer and chapman, Sept. 23 at 2, Court of Bankruptcy, London.—*Chris. H. Stonehouse*, Newport, Monmouthshire, ship broker, Sept. 18 at 12, District Court of Bankruptcy, Bristol.—*John M. Stark*, Gainsborough, Lincolnshire, bookseller, Sept. 16 at 10, District Court of Bankruptcy, Kingston-upon-Hull.—*George Wharf*, Boston, Lincolnshire, potato dealer, Sept. 22 at 12, District Court of Bankruptcy, Birmingham.—*Robert Priestley*, Manchester and Ardwick, Lancashire, grocer, Sept. 16 at 12, District Court of Bankruptcy, Manchester.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Sept. 15.

*Geo. Edw. Schultz*, Liverpool, stockbroker.—*Wm. Nash*, Oldbury, Shropshire, dealer and chapman.—*Matt. Chapman*, Devonport, Devonshire, painter.—*Mary Armistead*, Crawford-street, Mary-le-bone, Middlesex, milliner.—*George Barton* and *John Barton*, Manchester, copper roller manufacturers.—*Jas. Wilkinson*, Manchester, grocer.

#### SCOTCH SEQUESTRATIONS.

*John Hay*, Kilsyth, grocer.—*Andrew Brown*, Edinburgh,

commission agent.—*Mary Gilmour & Co.*, Cowgate, Edinburgh, cabinet makers.—*Robert Glass*, Greenock, merchant.—*Archibald Barbour*, Johnstone, spirit merchant.

#### INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

*Phil. Talbot*, Lower-mall, Hammersmith, Middlesex, shoe maker, Sept. 7 at 11, Court of Bankruptcy, London.—*Wm. French*, Bletchingly, Surrey, harness maker, Aug. 27 at 2, Court of Bankruptcy, London.—*James Lancaster*, Baker's-buildings, Liverpool-st., Bishopsgate, and Houndsditch, London, hair dresser, Aug. 27 at 2, Court of Bankruptcy, London.—*Chas. Baker*, Upper Ebury-st., Pimlico, Middlesex, carpenter, Aug. 27 at 2, Court of Bankruptcy, London.—*James Chadwick*, Kimberley, Nottinghamshire, retail beer seller, Sept. 4 at 11, Town-hall, Sheffield.—*John Marchant Wilkins*, Frome Selwood, Somersetshire, boot and shoe maker, Sept. 3 at 11, District Court of Bankruptcy, Bristol.—*Thos. King*, Hereford, ostler, Sept. 3 at 10, District Court of Bankruptcy, Birmingham.—*John Salmon*, Essex, baker, Sept. 3 at 10, Court of Bankruptcy, London.—*Hen. J. James*, Hertford, beer-shop keeper, Sept. 3 at 2, Court of Bankruptcy, London.—*Henry Charles Edwards*, Victoria-terrace, Hammersmith-bridge-road, Hammersmith, Middlesex, secretary to the proprietors of the Iron Times London Newspaper, Sept. 3 at 10, Court of Bankruptcy, London.—*Edward Capes*, Rutland-street East, Philpot-street, Commercial-road East, Middlesex, harness maker, Sept. 3 at 2, Court of Bankruptcy, London.—*John Wright*, Liverpool, surgeon, Sept. 2 at 11, District Court of Bankruptcy, Liverpool.—*J. Higham*, Blackburn, Lancashire, teacher of music, Sept. 4 at 12, District Court of Bankruptcy, Manchester.—*T. Dent*, Manchester, joiner, Sept. 1 at 12, District Court of Bankruptcy, Manchester.—*William Wickenden*, Rendcombe-mill, Rendcombe, Gloucestershire, miller, Aug. 31 at 11, District Court of Bankruptcy, Bristol.—*Samuel Brooks*, St. Philip and Jacob, Bristol, shoemaker, Sept. 13 at 11, District Court of Bankruptcy, Bristol.—*Thos. Wilson*, Barnsley, Yorkshire, out of business, Sept. 4 at 11, District Court of Bankruptcy, Leeds.—*Robt. George Baxter*, Middlesborough, Yorkshire, hatter, Sept. 4 at 11, District Court of Bankruptcy, Leeds.—*George Mellor*, Shipley, near Bradford, Yorkshire, shopkeeper, Sept. 4 at 11, District Court of Bankruptcy, Leeds.—*Lister Priestley*, Bradford, Yorkshire, pattern maker, Sept. 4 at 11, District Court of Bankruptcy, Leeds.—*T. Oliver*, Sheffield, Yorkshire, spring knife cutler, Sept. 4 at 11, Town-hall, Sheffield.

Saturday, Aug. 22.

The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.

*Robt Tovey*, Bristol, Somersetshire, commission agent, No. 67,052 C.; *Frederick Powell*, assignee.—*Wm. Hill*, Watensfield, near Arundel, Sussex, retailer of beer, No. 67,337 C.; *John Sherwood*, assignee.

Saturday, Aug. 22.

Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—

(On their own Petitions).

*James Crew*, High-street, Lower Norwood, Surrey, brick maker: in the Gaol of Surrey.—*Alphonse Duteil*, Foley-st., Portland-place, Middlesex, lodging-house keeper: in the Gaol of Surrey.—*Benjamin Rebbeck* the younger, Globe-street, near Queen-street, Twig Folly, Mile-end, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*J. Hoggett*, Mile-end-road, Middlesex, stable man: in the Debtors Prison for London and Middlesex.—*Wm. Turner*, Eaton Livery-stables, Caroline-street, Eaton-square, Pimlico, Middlesex, ostler: in the Queen's Prison.—*Wm. White*, Ashford-st., Hoxton New-town, Middlesex, carpenter: in the Queen's Prison.—*J. Septimus Ward*, Beeston, Nottinghamshire, attorney at law: in the Gaol of Radford Peverel.—*John Wilson Anderson*, Halifax, Yorkshire, artist: in the Gaol of York.—*John Walton*, Farley, near Leeds, Yorkshire, weaver: in the Gaol of York.—*Robt. Riddale*, Waterbeach, near Chichester, Sussex, out of business: in the Gaol of Petworth.

#### INSOLVENT DEBTOR'S DIVIDEND.

*J. Taylor*, trooper in the 1st regiment of Life Guards, Aug.

85, Ebborn, Grove-street, Camden-town, Middlesex: 15s. 4d. in the pound.

#### MARRIAGES.

*James Austin Fowles*, Ilfracombe, Devonshire, out of business, Sept. 11 at 11, Nicholson & Parker, Lime-street, London, sp. aff.—*Jas. King*, Fakenham, Norfolk, plumber, Sept. 14 at 11, Green's, Fakenham, Norfolk, sp. aff.—*John Drew*, Hotwells, Clifton, Gloucestershire, builder, Sept. 10 at 12, Baynton's, Bristol, sp. aff.

#### FRIDAY, AUG. 28.

##### BANKRUPTS.

**THOMAS MERCER**, Aldbury, Surrey, dealer and chapman, Sept. 5 and Oct. 9 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Smallpiece, Guildford; Price & Boulton, Lincoln's-inn.—Fiat dated Aug. 15.

**JOHN GRANT**, Wellington-street, and Powis-street, Woolwich, Kent, printer, dealer and chapman, Sept. 5 at half-past 10, and Oct. 9 at half-past 11, Court of Bankruptcy, London: Off. Ass. Alsager; Sol. Stedman, Guildhall-chambers.—Fiat dated Aug. 24.

**WILLIAM SMITH**, Tanners'-hill, New-town, Deptford, Kent, potato dealer, dealer and chapman, Sept. 4 at half-past 10, and Oct. 9 at 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Govett, North-place, Gray's-inn.—Fiat dated Aug. 18.

**JAMES GARDINER** and **FORTUNATUS ROBERT TOWNSEND CRISP**, Wellington-street North, Strand, Middlesex, printers, dealers and chapmen, Sept. 3 at 1, and Oct. 2 at 2, Court of Bankruptcy, London: Off. Ass. Alsager; Sols. Watson & Son, Bouverie-street.—Fiat dated Aug. 19.

**WILLIAM PANNELL**, High-street, Poplar, Middlesex, grocer and chaceemonger, Sept. 3 at half-past 12, and Oct. 2 at half-past 11, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Grainger, Bucklersbury.—Fiat dated Aug. 20.

**HENRY BROWNE**, Ferdinand-terrace, Hampstead-road, Middlesex, surgeon and apothecary, dealer and chapman, Sept. 7 at 12, and Oct. 9 at half-past 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Schultz, Staple's-inn.—Fiat dated Aug. 20.

**GEORGE WETENHALL**, Bank-chambers, Lothbury, London, stockbroker and stock and share agent, dealer and chapman, Sept. 7 and Oct. 9 at half-past 2, Court of Bankruptcy, London: Off. Ass. Alsager; Sol. Jorceson, St. Mary-at-Hill.—Fiat dated Aug. 26.

**THOMAS BROOKS**, Great Percy-street, Lloyd-square, Pentonville, Middlesex, and Abchurch-lane, London, boarding-house keeper, dealer and chapman, Sept. 7 at 2, and Oct. 6 at half-past 2, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Heath, Nag's Head-court, Gracechurch-st.—Fiat dated Aug. 24.

**THOMAS PURKIS WEBB**, Belsham, Cambridgeshire, coal merchant, Sept. 5 at 1, and Oct. 6 at 2, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Ashley, 9, Shore-ditch.—Fiat dated Aug. 26.

**JOHN BURBRIDGE** and **ROBERT BURBRIDGE**, Upper Whitecross-street, Middlesex, grocers and tea dealers, Sept. 7 at 3, and Oct. 13 at 11, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Baylis & Drewe, Basinghall-street.—Fiat dated Aug. 20.

**WALTER LONGHURST**, Sussex-terrace, Old Brompton, Middlesex, carpenter, builder, and undertaker, Sept. 9 at 11, and Oct. 6 at 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Haynes, Symond's-inn, Chancery-lane.—Fiat dated Aug. 25.

**JOHN THOMAS FENTON**, Llanelly and Kilgadan, Carmarthenshire, brick maker, coal and ironstone merchant, dealer and chapman, (carrying on business at Kidwelly, and Pontyest, Llangendeirne, in partnership with William Williams, under the firm of Williams & Fenton), Sept. 15 and Oct. 12 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sols. Henderson, Bristol; Bishop, Lincoln's-inn-fields.—Fiat dated Aug. 25.

**RICHARD BARBER LINE**, Coxside, Plymouth, Devonshire, carpenter and builder, Sept. 10 at 1, and Oct. 6 at 11, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzell; Sols. Laidman, Exeter; Clowes & Co., Temple, London.—Fiat dated Aug. 25.

**CHRISTOPHER DAVIS**, Chepstow, Monmouthshire, carrier, Sept. 11 and Oct. 9 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sols. Baldwin & Co., Chepstow; Bevan, Bristol.—Fiat dated Aug. 25.

**SAMUEL READING**, Birmingham, hook and eye and button manufacturer, Sept. 15 at 11, and Oct. 15 at half-past 11, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sol. Wright, Birmingham.—Fiat dated Aug. 24.

**ENOCH WILLIAMS** and **THOMAS ROBERTS**, Birmingham, builders, dealers and chapmen, Sept. 10 and Oct. 6 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Wright, Birmingham; Irvine, Chancery-lane, London.—Fiat dated Aug. 22.

**GEORGE EUSTONE PHILLIPS**, Birmingham, japanner, Sept. 10 and Oct. 6 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Roberts, Birmingham; Austin & Co., Gray's-inn, London.—Fiat dated Aug. 20.

**SAMUEL HAWLEY**, Ashton-under-Lyne, Lancashire, grocer and provision dealer, Sept. 10 and Oct. 1 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Brooks, Ashton-under-Lyne; Clarke & Co., 20, Lincoln's-inn-fields, London.—Fiat dated Aug. 21.

**PATRICK O'HANLON**, Liverpool, draper, dealer and chapman, Sept. 16 and 30 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Cooper, Manchester; Frodsham, Liverpool; Gregory & Co., Bedford-row, London.—Fiat dated Aug. 7.

**JOHN WILKINSON**, Liverpool, fruiterer, dealer and chapman, Sept. 8 and Oct. 9 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sols. Tyrer, Liverpool; Chester & Co., Staple's-inn, London.—Fiat dated Aug. 22.

**RICHARD MADDOCK**, Rock Ferry, Cheshire, builder, dealer and chapman, Sept. 8 and Oct. 9 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Sols. Green, Liverpool; Gregory & Co., Bedford-row, London.—Fiat dated Aug. 22.

**MAURICE JONES**, Liverpool, saddler, dealer and chapman, Sept. 10 and Oct. 6 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sols. Atkinson & Co., Liverpool; Vincent & Co., Temple, London.—Fiat dated Aug. 25.

**ROBERT GILL**, Black-banks, near Darlington, Durham, brick and tile manufacturer, dealer and chapman, Sept. 4 and Oct. 8 at half-past 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Wakley; Sols. Allison, Darlington; Tison & Co., Coleman-street, London.—Fiat dated Aug. 13.

#### MEETINGS.

*Thos. Hutchinson*, Sunderland, and Wingate, Durham, tea dealer, Sept. 10 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—*Geo. Hornsby*, Leabury, Northumberland, builder, Sept. 10 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—*Stephen Hey*, Colne, Lancashire, worsted manufacturer, Sept. 11 at 12, District Court of Bankruptcy, Manchester, last ex.—*Samuel Oliver*, Hyde, Cheshire, provision dealer, Sept. 10 at 1, District Court of Bankruptcy, Manchester, last ex.—*Isaac Sassome*, Coventry, ribbon manufacturer, Oct. 24 at 11, District Court of Bankruptcy, Birmingham, last ex.—*Anthony Birch*, Birmingham, grocer, Sept. 29 at 10, District Court of Bankruptcy, Birmingham, last ex.—*Chas. Gallimore*, Birmingham, pearl-button maker, Sept. 29 at 10, District Court of Bankruptcy, Birmingham, last ex.—*Sam. Griffiths*, Wolverhampton, Staffordshire, wholesale druggist, Oct. 2 at 10, District Court of Bankruptcy, Birmingham, last ex.—*George Sax*, Stonecutter-st., Farringdon-st., London, job master, Sept. 21 at 11, Court of Bankruptcy, London, and. ac.—*Wm. Hind*, Mollleston, Pembrokeshire, coal merchant, Oct. 8 at 11, District Court of Bankruptcy, Bristol, and. ac. and div.—*A. T. A. Barfield*, Bristol, artist, Oct. 5 at 11, District Court of Bankruptcy, Bristol, and. ac.—*Jos. Pomphrey Austin*, Bristol, paper maker, Sept. 21 at 12, District Court of Bankruptcy, Bristol, and. ac.—*Jas. Duke*, Newark-upon-Trent, Nottingham, plaster merchant, Sept. 22 at 12, District Court of Bankruptcy, Birmingham, and. ac.—*Thos. Freeman*, Wood-st., Cheapside, trimming manufacturer, Sept. 21 at 1, Court of Bankruptcy, London, div.—*Chas. Ains*, Newport, Isle of Wight, Southampton, innkeeper, Sept. 21 at 11, Court of Bankruptcy, London, div.—*A. Beattie* and *Francis Macnaghten*,

Nicholas-lane, Lombard-st., London, merchants, Sept. 21 at 12, Court of Bankruptcy, London, div.

#### CERTIFICATES.

*It is allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*John Thomas Carter*, Berners-street, Oxford-street, Middlesex, apothecary, Sept. 21 at 1, Court of Bankruptcy, London.—*Benjamin Billings*, Harlow, Essex, victualler, Sept. 21 at half-past 1, Court of Bankruptcy, London.—*Lewis George*, Inn-cottage, Downham-road, Kingsland-rd., Middlesex, shawl warehouseman, Feb. 21 at 2, Court of Bankruptcy, London.—*Wm. Haskin Osborn*, Leicester, out of business, Sept. 23 at 11, District Court of Bankruptcy, Leeds.—*Thomas Bainton*, Pickering, Yorkshire, money scrivener, Sept. 23 at 11, District Court of Bankruptcy, Leeds.—*William Holdsworth*, Ripley, Yorkshire, apothecary, Sept. 23 at 11, District Court of Bankruptcy, Sheffield.—*Wm. Walker*, Eastwood, Staffordshire, publican, Sept. 22 at 12, District Court of Bankruptcy, Birmingham.—*John Senior*, Salford, Lancashire, common brewer, Sept. 21 at 12, District Court of Bankruptcy, Manchester.—*Henry Holden*, Dewsbury, Yorkshire, dealer in fuller's earth, Sept. 23 at 11, District Court of Bankruptcy, Leeds.—*James Smith Walters*, Bakewell, Derbyshire, surgeon, Sept. 21 at 12, District Court of Bankruptcy, Manchester.

*It is allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Sept. 18.*

*Richard Perry*, Leeds, Yorkshire, hatter.—*Ann Martin*, Semmarston Newton Castle, Dorsetshire, widow, linen-draper.—*Paul Strassone*, Louth, Lincolnshire, chymist.—*Nehemiah John Reed*, Marlborough, Wiltshire, licensed common brewer.—*David Clark*, Liverpool, leather dealer.—*John Nield*, Manchester, and Bank-mill, near Lees, Ashton-under-Lyne, Lancashire, also of Saddleworth, Yorkshire, woollen manufacturer.—*Richard Mareden*, Brynmawr, Brecknock, linen-draper.—*John Gibborne*, Coleman-street, London, merchant.

#### PLAT ANNULLED.

*John Bush*, Blackman-street, Surrey, victualler.

#### PARTNERSHIP DISSOLVED.

*Richard Jennings and Edmund Dade Congers*, Great Drif-hall, Yorkshire, attorneys and solicitors.

#### SCOTCH SEQUESTRATIONS.

*Henry Kinross*, Stirling, coach builder.—*W. Blair Salmon*, Irvine, saddler.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Mary Cox*, Shirley, and Testwood, near Eling, near Southampton, Hants, schoolmistress, Sept. 14 at 11, Court of Bankruptcy, London.—*Stephen John Pryor*, Cambridge, tinman, Sept. 14 at 11, Court of Bankruptcy, London.—*Sophia Taylor*, Finch-lane, Cornhill, London, hair dresser, Sept. 14 at 11, Court of Bankruptcy, London.—*John Mills*, Rochford, Essex, grocer, Sept. 14 at half-past 11, Court of Bankruptcy, London.—*Wm. Blake*, Bromley, Kent, linen-draper, Sept. 14 at 11, Court of Bankruptcy, London.—*J. Wm. Chappenden*, City-terrace, Old-street-road, Middlesex, out of business, Sept. 14 at 11, Court of Bankruptcy, London.—*William Trimmings*, New Wellington-ter., Wandsworth-rd., Surrey, plumber, Sept. 14 at half-past 11, Court of Bankruptcy, London.—*Henry Blomfield*, Queen's-row, Walworth, Surrey, surveyor, Sept. 18 at 11, Court of Bankruptcy, London.—*Wm. Christopher Parkin Elliott*, Quadrant, Regent-street, Middlesex, first lieutenant in the Royal Marine Corps, Sept. 18 at 11, Court of Bankruptcy, London.—*W. Harbidge*, Litchfield, Shropshire, out of business, Sept. 8 at 12, District Court of Bankruptcy, Birmingham.—*Isaac Wilson Harper*, Sheffield, Yorkshire, carpenter, Sept. 11 at 11, Town-hall, Sheffield.—*William Heath*, Lawton, near Congleton, Cheshire, licensed victualler, Sept. 2 at 12, District Court of Bankruptcy, Liverpool.—*John Gardner*, Liverpool, coffee dealer, Sept. 2 at 12, District Court of Bankruptcy, Liverpool.—*Richard Fiddian*, the younger, Cradley, Worcestershire, farmer, Sept. 3 at 11, District Court of Bankruptcy, Birmingham.—*Joseph Waite Swinerton*, Hunslet, near Leeds, Yorkshire, painter, Sept. 8 at 11, District Court of Bankruptcy, Leeds.—*James Buakie*, Scape, near Rodall, Yorkshire, labourer, Sept. 8 at 11, District Court of Bankruptcy, Leeds.—*Thomas Dettle*, Llanismow,

Radnor, farmer, Sept. 22 at 1, District Court of Bankruptcy, Bristol.

#### Wednesday, Aug. 26.

*Orders have been made, acting in the Provisional Assigned the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Rich. Shalgrove*, Camomile-street, London, account-book manufacturer: in the Debtors Prison for London and Middlesex.—*Hen. Shalgrove*, Upper Clifton-st., Ensbury, and Camomile-st., London, account-book manufacturer: in the Debtors Prison for London and Middlesex.—*Wm. Coates* the younger, Tabernacle-walk, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Jos. Newman* the elder, Crescent-st., Eaton-sq., Middlesex, carcase butcher: in the Debtors Prison for London and Middlesex.—*Wm. Jos. Roome*, Benet's-place, Gracechurch-st., London, commission agent for the sale of Sheffield goods: in the Debtors Prison for London and Middlesex.—*John Newell*, High-town, near Leeds, Yorkshire, card maker: in the Gaol of York.—*Wm. Sandham*, Pilling, near Garstang, Lancashire, labourer: in the Gaol of Lancaster.—*Phil. Asen*, Bridbury, near Stockport, Cheshire, shuttle maker: in the Gaol of Chester.—*Sam. Martin*, Henthull, Acton, near Nantwich, Cheshire, farmer: in the Gaol of Chester.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Monday, Sept. 14, at 9.*

*Christ. Newlings*, Suffolk-st., Lower-road, Islington, Middlesex, builder.—*John Lawrence* the younger, Queen-street, Edgeware-road, Middlesex, writing-desk maker.—*Aug. Hen. Karschner*, Triangle, Southampton-st., Camberwell, Surrey, manager of the business of a confectioner.—*Duncan Douglas*, Charlotte-st., Gloucester-st., Whitechapel, Middlesex, baker.—*Geo. Ede*, Great Suffolk-street, Southwark, Surrey, out of business.—*Robert Hall*, Little York-place, Gloucester-place, Portman-sq., St. Mary-le-bone, Middlesex, out of business.—*Wm. Brett*, Wellington-place, Newington-butta, Surrey, agent for the purchase and sale of horses.—*John Jackson*, Canning-place, Kensington, Middlesex, clerk in the Admiralty Office, Whitehall.—*Wm. Butcher*, Great Marlborough-st., Regent-street, clerk to a carpet manufacturer.—*Wm. Sires*, Little Britain, Hillingdon, near Uxbridge, Middlesex, brick maker.

*Sept. 15, at the same hour and place.*

*John Cuthbert*, Middle-row, Knightsbridge, Middlesex, tobacconist.—*Wm. Duncan*, Jernyn-st., St. James's, Westminster, Middlesex, baker.—*Jacob Frankenstein*, Dorling-pl., Hanleyford-road, Vauxhall, Surrey, and Hall of Commerce, Threadneedle-st., London, shipping agent.—*Hubert Henry Lucas*, Walham-green, near Fulham, Middlesex, barrister at law.—*Sam. Markham*, Tottenham, Middlesex, out of business.—*James Taylor*, Finsbury-terrace, St. Luke, Middlesex, Birmingham warehouseman.—*Geo. Harrod*, West-end, Turnham-green, Chiswick, Middlesex, cheesemonger.—*Jas. Franks*, East-hill, High-st., Wandsworth, Surrey, plumber.—*James Barber*, Coleman-st., London, cloth workers.—*Geo. Logan*, Croydon-common, Surrey, farmer.

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*Edw. Kinsing*, Long-walk, Bermondsey-sq., Southwark, victualler, Flavel's, 21, Bedford-row: 4s. 10d. in the pound.

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# The Jurist

No. 504—VOL. X.

SEPTEMBER 5, 1846.

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LONDON, SEPTEMBER 5, 1846.

THE proceedings of the Inns of Court relative to legal education, have lately been noticed by the public press with somewhat of disapprobation. The four societies have adopted resolutions for the establishment of four law lectureships, in addition to that on Civil Law and General Jurisprudence, already established by the Middle Temple. The subjects of these lectures are to be—Constitutional Law, Criminal, and other Crown Law, the Law of Real Property and Conveyancing, Devises and Bequests: those branches of the common law which are not included in the two last two heads: Equitable Jurisprudence as administered in the Court of Chancery. But to these resolutions they have added two others, which, it is said, render the former practically useless. They have resolved that no examination shall be required of any student as a condition precedent of his call to the bar; but that every student shall be required to produce a certificate of his having attended two of the courses of lectures—the selection to be determined by himself.

The Inns of Court have thus shewn the greatest possible reluctance to interfere with the present system of conferring the degree of a barrister, without regard to the attainments or competency of the candidate. We will not stop now to inquire whether this practice has the authority of antiquity in its favour. It would be easy, from the history of the Inns of Court, to prove the contrary, and to shew, that, at one time, the candidate for forensic rank was required to undergo probationary exercises of no trifling character. We abstain from doing so, because, if it be right, or the public interest require, that none should be admitted to the ranks of the Bar, without its being first proved that they are qualified for its duties, it matters not, in our minds, what the practice of earlier times may have been. We

regard precedents as valuable only when they support and sanction what is intrinsically right; when they do not, they are useless.

Looking at the subject, then, irrespective of authority, we confess that we have observed with regret the reluctance of the Inns of Court to enforce upon the candidates for admission to the Bar, the acquisition of some legal knowledge. It is difficult, indeed, to perceive upon what grounds the present practice can be supported. It is, we believe, said, that the nature of a barrister's employment, the public manner in which it is exercised, and the intervention between the advocate and client of a competent judge, in the person of the attorney, render a preliminary test unnecessary, and that, without it, those only who are competent, will be employed as advocates. But why should the public, or rather the litigating portion of them, be obliged to ascertain from amongst a crowd of persons, all bearing the same insignia of learning, those who indeed possess it, and those who have but its semblance—what coins are of true metal, and what of false. Rather is it the duty of the State, or, in the present case, of those to whom the State has delegated its authority in this behalf, to present to its subjects for their choice, in matters of such grave import as are entrusted to an advocate, those only who must in some degree be presumed to be competent for the task. But, admitting that, ultimately, the capacity of each individual barrister is fairly and accurately ascertained,—and when we do that, we are granting what is far from being the fact,—why should not this be facilitated by selecting the subjects for public experiment? It is said that the attorney will ascertain the fitness of the counsel; but how is he to do so in the first instance? Either he must personally know the untried man,—a state of things, which, if it were possible, would be far from desirable,—or he must run the risk of a mistake, and peril his client's interest.

in his choice of the advocate. Both these evils may be almost, if not entirely, avoided by the adoption, not of an examination merely, through which all must pass, but of one by which the various degrees of proficiency would be made apparent. The public would have afforded to them some clue to guide their choice, and the unknown and friendless man of talent, who may now wait hopelessly for an opportunity of trying his powers, would have afforded to him one way, at least, of emerging from his obscurity.

But another objection is started. It is urged, that, under the present system, the Bar receives into its ranks many men of character and consideration in society, whom the study required for an examination would deter from joining them, and that this would be injurious to its present character and position. We deny this. The Bar owes nothing to such members. They have contributed nothing to its fame, nor furnished it, we may venture to say, with one single ornament. Its most distinguished members have come from a very different class. They have been men whose strength lay in their superior intellect, and who, whether from patrician or plebeian ranks, have found in the Bar a fair field for the exercise of their talents—a ladder by which they might climb to pre-eminence and power. Wealth has not enervated those who were so fortunate as to possess it, nor rank made them disdain to enter into the honourable strife. To talk of such men being deterred from coming to the Bar by the dread of any examination, is absurd; and it is the absence of such only that would be any real loss. The presence, indeed, of others, is rather an injury.

We have hitherto spoken of the Bar only with respect to the office and duties of the advocate; but there is another important light in which the matter must be viewed. From its ranks are chosen numerous officers, judicial and otherwise; so much so, indeed, that the phrase "A barrister of seven years' standing" has become proverbial. Does the Legislature, when it uses these words, intend by them to require any qualification in the persons so designated for the offices they are to fill? We must assume that it does, otherwise it would be creating an absurd and unjust monopoly. The confining the choice of officers to any particular class, can only be justified on the ground of its peculiar fitness for the discharge of the duties. How is this fitness secured? What is done to make the barrister of seven years' standing more fit for his office than any other person? Absolutely nothing. He may have observed the forms required by the Inns of Court—forms which have long ceased to have any meaning attached to them,—without ever having seriously perused a single legal work, or, during his attendance at a pleader's or conveyancer's chambers, if custom has obliged him to go there, extended his studies beyond the columns of a newspaper;—donned the wig and gown, and fluttered for a time about the courts, thence retiring to more congenial pursuits, with which to while away the probationary term; after which, if he chance to have powerful friends, he may obtain one of those places for which the Legislature has declared him qualified, and for which his patron cannot be expected to be astute in discovering his incapacity. These are the men whom an examination would keep away from the Bar; or, if

they did come, they would be obliged to acquire some knowledge.

We think the honour of the Bar and the interests of the public alike require that some test of fitness should be required. In no other profession, we believe, is it wanting; and, instead of there being any reason for the distinction, there are many against it.

## OBSERVATIONS ON THE SMALL DEBTS ACT.

The Small Debts, or County Courts Act, has undergone some material alterations since we gave our analysis of it in *THE JURIST*.

Firstly, as to the conditions attending the appointment of the judge. If he be a barrister, he is not subject to any *general* restriction upon practice. But, by the 17th clause, it is enacted, "that no judge appointed under this act shall, during his continuance as such judge, practise as a barrister within the district for which his court is holden under this act, except those barristers already appointed to preside in or hold the said courts in Bath, Bristol, Liverpool, Manchester, Sheffield, Ecclesall, and Middlesex, and now practising in chambers as conveyancing counsel, who may continue such practice."

This clause is rather singularly worded. It will, however, have, we apprehend, this effect: any barrister, being a judge, may practise in any manner any where, except in his district. No barrister, except the excepted ones, may practise in any manner within his district. The excepted ones, if already practising as conveyancing counsel in chambers, may continue to do so. But they have not any power given to them to commence conveyancing practice *de novo*, if they have not so practised already.

The 22nd clause is also a very singular one. By it, it is enacted, "that the judges and other officers to be appointed under this act shall be authorised and required to perform all such duties in or relating to any causes or matters depending in the high Court of Chancery, or before any judge thereof, or before the Lord Chancellor in the exercise of any authority belonging to him, necessary or proper to be done in their respective districts, as the Lord Chancellor shall from time to time by any general order direct, and for this purpose, and subject to the general rules and orders of the said court, shall have and exercise all such authorities as may be duly exercised by the commissioners or other officers of the said court by whom such duties are now usually performed, and shall be entitled to receive the same fees and sums of money as are now payable in respect thereof, to be accounted for and applied by them as the other fees authorised by this act to be received are directed to be accounted for and applied: Provided always, that the future amount of such fees shall continue subject to the same authority for revising the same to which it is now subject."

The language of the first part of this clause is very large, and would, apparently, empower the Lord Chancellor to refer to the judges of the county courts, such matters as are now referred to the Masters in Ordinary in Chancery, and to the Commissioners in Lunacy. But then the second branch, touching the authority of the judges, seems to restrict the meaning of the first part; for they are only to have, subject to the general order to be made by the Lord Chancellor, and the general rules and orders of the court, such authorities as may be exercised by the commissioners and other officers of the *said court*, that is, the Court of Chancery, by whom such duties are now usually performed. Now, it is very difficult to ascertain what commissioners or officers

are meant; for, having regard to the first part, which empowers the Chancellor to require the judges to perform in a suit, or on any matter arising under the authority of the Chancellor, *all such duties necessary or proper to be done*, as the Chancellor shall direct, the first difficulty is, that there are no such officers in the districts in which the greater part of the new functionaries will act. Hitherto, certain inquiries have been directed to the Masters in Ordinary, fixed in London; certain others to the commissioners in lunacy, who are ambulatory; and certain duties are entrusted to commissioners for taking answers; to commissioners for examining witnesses, &c., who are ambulatory; and to Masters Extraordinary in Chancery, who are always residing in the country. But to none of these officers are inquiries directed, the answers to which are required for the purpose of informing the court. The Chancellor cannot, therefore, refer such matters as he may think necessary to be reported upon to the country judges, viz. the majority of the judges appointed under this act, because such judges are only to have the authority of the officers by whom such duties are now usually performed; and no such general duties, but only duties of a very limited kind, are now performed by any officers, except the Masters in Chancery in Ordinary. The clause is contradictory in another point of view. The first part, as we have said, is sufficiently general to include references to the judges, of inquiries in lunacy; but the second part obviously restricts the generality of the first part, by limiting the authority of the judges to the authority of the commissioners or other officers of the *said court*, viz. the Court of Chancery; terms which do not comprise the commissioners in lunacy, who are, in a sense, officers of the Chancellor, in his character of protector of lunatics under a particular act of Parliament, but are not commissioners or officers of the Court of Chancery. The truth is, that the 22nd clause of this act is very ill constructed. If one were disposed to be hypercritical, he might say, that its meaning is quite unattainable, inasmuch as what it says is in substance this:—That the judges appointed under the act are to perform all such duties (without defining them) as the Lord Chancellor may think requisite, and as shall have been performed hitherto by the officers of the Court of Chancery, who have performed *such* duties. Now, as the duties are unknown, the officers are unknown also, and there is no key to the value of the unknown quantity; so that the clause is a sort of legal problem, in which, the equation being  $x = 2 + y$ , it is required to know the value of  $x$ .

No doubt the intention of the clause was, that the Lord Chancellor should be empowered to refer to the judges of the county courts, inquiries such as are now usually directed to Masters in Ordinary; a proceeding which would in country causes be highly convenient. It remains to be seen whether the Lord Chancellor will be of opinion that the act, as it is worded, gives him any such power.

The 90th section provides, "that no plaint entered in any court holden under this act shall be removed or removable from the said court into any of her Majesty's superior courts of record by any writ or process, unless the debt or damage claimed shall exceed 5*l*., and then only by leave of a judge of one of the said superior courts, in cases which shall appear to the judge fit to be tried in one of the superior courts, and upon such terms as to payment of costs, giving security for debt or costs, or such other terms as he shall think fit."

This, it may be observed, will not oust the jurisdiction of Chancery to restrain proceedings, if necessary, in the county court, if it shall appear to the Court of Chancery that such proceedings at law would be inequitable.

## Correspondence\*.

TO THE EDITOR OF "THE JURIST."

Sir,—I have seen with much pleasure, that the Benchers of the several Inns of Court contemplate carrying out the plan of improved legal education commenced by the Middle Temple last year; firstly, by establishing four additional readerships, viz. one for constitutional and criminal law, a second for the law of real property and conveyancing, a third for those branches of the common law not included under the two first heads, and a fourth for equitable jurisprudence as administered in the Court of Chancery; and, secondly, by instituting rewards and honours for those students who shall be willing to undergo an examination before being called. I have always been of those who think that, in the study of the law, much benefit may be obtained through the agency of readings, or, as they are modernly called, lectures. It would be, indeed, strange if that mode of instruction which is thought, and it is to be presumed, found beneficial in almost every branch of learning or art except law, should not also be adapted to assist the studies of the young lawyer. Mathematics are taught in our universities and schools by lectures; medicine, chemistry, anatomy, are taught by lectures; painting and sculpture are taught by lectures; even music is taught by lectures. So, civil engineering and all the practical applications of the exact sciences are taught by lectures. And, if it be right and advantageous to use the method of oral instruction for all these things, many of which are matters of taste and feeling rather than of learning, it would be indeed unreasonable, if, to the study of a subject so much a matter of learning and reasoning as law, the method of oral instruction should be denied.

I do not, of course, mean to contend that attending lectures alone can form a lawyer. Reading, extensive and laborious private reading, must lay the foundation of the learning, without which the utmost talent will not suffice to make a first-rate, or even a respectable and safe, lawyer. But though it is true that, as Bacon hath it, "reading maketh a full man," it does not necessarily make him full of that which is valuable; and if a man endowed even with considerable penetration reads unguided in so vast and labyrinthic a maze of learning as that of the law, he may chance to be a man very full of matter irrelevant and useless, and very empty quoad all that would be really useful to him for the purpose for which he reads, viz. to be "of counsel." Therefore it is that I deem highly of learned readings for the instruction of students, not because, from the readings alone, they will derive that amount or that quality of learning which will qualify them to be of counsel, but because, from the prelections of a judicious reader, they may imbibe vivid ideas of the true character of the science they are about to study, and learn what is the course of private study which will best initiate them in the learning of that branch of the law, which their character and other circumstances make it desirable that they should pursue.

I rejoice also to find that the readings are not to be confined to the general theory of jurisprudence, but are to embrace the laws of this country as they are practically administered in our courts of justice.

There is one feature in the plan proposed on which animadversions have been made, viz. that which leaves it to the option of students for the Bar, to pass an exa-

\* The view taken by our correspondent being diametrically opposed to that of the author of the leading article, we insert the two papers together, that our readers may have both arguments before them.

mination or not. It is said, Of what use is an examination, if young men are to be permitted to enter the ranks of the Bar without demonstrating, by passing the examination, that they are qualified for its duties? And it is objected, that, under such a regulation, there will be no greater check than there now is to young men eating their way to the Bar, and afterwards hanging on its skirts in a state of idleness and brieflessness, till they acquire standing enough to obtain the good things that Parliament ever and anon throws in the way of barristers who can count a given number of years of standing.

These objections are specious enough; but I apprehend they are merely specious. It is, undoubtedly, highly desirable that the working Bar should be mainly composed of men above the ordinary standard of intellect and industry; but, in order to insure that object, it is not desirable that no men should be admitted to the Bar who have not, before their admission, manifested their superior qualities; because it is often found that men who are thought inferior in their youth, and, either from idleness or from natural lateness in the development of their powers, make no shew of ability either at college or during their pupillage, manifest, after a few years of actual practice, and when their powers are roused by the incitement of substantial responsibility, all the qualities essential to a great lawyer, in a degree that few could ever have anticipated. Such men are not altogether rare; yet they would be wholly lost to the Bar if a system of compulsory examination were introduced.

Again, if it were established that no man should be called to the Bar who had not passed an examination, it would be necessary to fix the standard of examination either too high or too low. If we fix it at such a height as to test the stronger spirits,—those destined for the higher departments of business,—then we should shut out of the Profession all those men, who, though but of moderate abilities, are yet quite sufficient for the execution of a large portion of what may be termed “the heavy routine business” of the Bar. And that there is a large quantity of business which must be done, and which does not require for its transaction much beyond common sense and industry, is not to be denied. If, on the contrary, the standard of examination were fixed at such a height only as to suit the average standard of talent that can be expected in any large body of men, however cultivated, then it would be no test at all of superiority, and the men capable of distinguishing themselves, and thereby acquiring reputation, would have no such opportunity. The true object of an examination is, that it may be an ordeal so severe as to be successfully achieved only by those who are sufficiently superior to their fellow-men in ability and energy, to make efforts of which few only are capable. By an examination regulated on this principle, the existence of superior men will be made known to the Profession, even although they may have nothing of what is termed “connexion.” Beyond the attainment of such an object, it would be pernicious, rather than the reverse, to press the doctrine of examination. Now, voluntary examination will answer all the purpose of establishing a public distinction between those who have made proof of their ability and those who have shrunk from it, provided the examinations be made really a severe test. It will not exclude from the Profession the men of labour, but of moderate ability, who, as a working mass, are most useful, though, individually, not remarkable; nor will it exclude those who, possessed of talent and strength, either cannot or will not develop it early in life. In fine, it will simply supply the existing deficiency of a legitimate means of making those known to the Profession who do possess, and can early exert, brilliant abilities, without attempting to stigmatise others; and it will bring for-

ward the bold and ambitious, without deterring the retiring and over-modest, who may yet, beneath their crust of shyness, conceal abilities of a high order. I confess that I do think it of the highest importance, that no such principle as that of a compulsory and fixed, and necessarily most meagre, if compulsory, standard of capacity should be adopted, in reference to admission to the Bar; and I trust that no lay clamour will induce the Benchers of the several Inns, to swerve from their resolution of making the intended examination purely voluntary; hoping, at the same time, that the examination will be so substantial and severe, that none but really superior men can pass it at all. If I could hope that any suggestions coming from so humble a pen as mine could be listened to in such high quarters as Parliament chambers, I would venture to suggest that one final examination immediately preceding the call, will not be a fair and true test of the qualifications of the candidate for honours, and that it should not be an examination merely of memory. An examination should be undergone at least once in every course of reading; and it should not consist only of an examination without the aid of books, which merely tests the memory, but also of an examination (such as by giving a difficult case to be advised upon) with the aid of books, which tests the judgment. It would be very desirable, too, that, for students who intend to practise in court, the examination should consist partly in fully arguing some legal question.

I am, Sir, &c.

The following are the minutes of resolutions agreed to in conference, and since confirmed, of the deputations of committees of the Societies of Lincoln's Inn, the Inner Temple, and Gray's Inn, for the improvement of the existing system of education for the bar.

That it is expedient to institute rewards or honours, by way of encouragement to students willing to undergo examinations.

That, for the purpose of preparing students for such examinations, there be established four lectureships in addition to that on civil law and general jurisprudence already established by the Middle Temple.

That subjects of additional lectures should be,

1. Constitutional law, criminal and other crown law.
2. The law of real property and conveyancing, devises and bequests.
3. Those branches of the common law which are not included in the two last heads.
4. Equitable jurisprudence as administered in the Court of Chancery.

That the lectureship for constitutional law, criminal and other crown law, should be maintained at the joint expense of the four societies.

That the lectureship of civil law and general jurisprudence should be maintained, as now, at the sole expense of the Middle Temple.

And that the other three lectureships should be maintained at the expense of the three other societies respectively, one for each, as shall be hereafter arranged among themselves.

That no examination should be required of any student as a condition precedent to his call to the bar.

That every student should be required, as a condition precedent of his call to the bar, to produce a certificate of his having attended two of the courses of lectures. The selection to be determined by himself.

The Queen has been pleased to direct letters-patent to be passed under the Great Seal, granting the dignity of a Knight of the United Kingdom of Great Britain and Ireland unto David Pollock, Esq., Chief Justice of the Supreme Court of Judicature at Bombay.

## London Gazette.

TUESDAY, SEPTEMBER 1.

## BANKRUPTS.

JABEZ RUSSELL the younger, Whittlesea, Isle of Ely, Cambridgeshire, builder and millwright, dealer and chapman, Sept. 9 at half-past 2, and Oct. 9 at 2, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Church, Spital-square.—Fiat dated Aug. 22.

GEORGE ENSTONE PHILLIPS, Birmingham, japanner, Sept. 10 and Oct. 6 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Roberts, Birmingham; Austen & Co., Gray's-inn, London.—Fiat dated Aug. 20.

JAMES BARKER, Sheffield, Yorkshire, joiner and builder, Sept. 11 and Oct. 16 at 11, Town-hall, Sheffield: Off. Ass. Freeman; Sols. Rayner, or Broadbent, Sheffield; Moss, Serjeant's-inn, London.—Fiat dated Aug. 21.

THOMAS YATES, Bolton-le-Moors, Lancashire, cotton manufacturer, Sept. 11 and Oct. 2 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Rush-ton & Armitstead, Bolton-le-Moors; Gregory & Co., Bedford-row, London.—Fiat dated Aug. 21.

RICHARD CROMPTON, Shrigley, Cheshire, MOSES PRICE, Prestolee, Lancashire, and TIMOTHY CROMPTON, Manchester, brick makers, (carrying on business at Shrigley, under the firm of Crompton, Price, and Crompton), Sept. 14 and Oct. 7 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Baker, Manchester; Grimsditch, Macclesfield; Bell & Co., Bow Church-yard, London.—Fiat dated Aug. 20.

JONATHAN PRYTHERCH, Wrexham, Denbighshire, grocer, confectioner, dealer and chapman, Sept. 14 and Oct. 6 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Sols. Cunnah, Chester; Pocock & Marston, 10, Norfolk-street, Strand, London.—Fiat dated Aug. 28.

JAMES GILL, Liverpool, wine and spirit merchant, and licensed victualler, Sept. 16 and Oct. 5 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Sols. Atkinson, Liverpool; Vincent & Sherwood, Temple, London.—Fiat dated Aug. 26.

## MEETINGS.

Elizabeth Watson, Thomas Nelson, George Nelson, and George Cooke, Love-lane, London, and Nottingham, hosiers, Sept. 17 at 11, District Court of Bankruptcy, Birmingham, ch. ass.—Donald Maclean, Upper Brook-street, Grosvenor-square, Middlesex, and Wotton Castle, and Woodhouse-cloose Colliery, near Bishop Auckland, Durham, brickmaker, Oct. 22 at 11, Court of Bankruptcy, London, last ex.—John Stevenson, Manchester, tobaccoist, Sept. 11 at 12, District Court of Bankruptcy, Liverpool, ch. ass.—William Henry Wilson and Richard Vause, Kingston-upon-Hull, merchants, Sept. 23 at 10, District Court of Bankruptcy, Kingston-upon-Hull, last ex. of R. Vause.—George Parker, Sheffield, spade manufacturer, Sept. 25 at 11, District Court of Bankruptcy, Sheffield, aud. ac.—Wm. Hand, Mollleston, Pembrokeshire, coal merchant, Oct. 8 at 11, District Court of Bankruptcy, Bristol, aud. ac.—A. T. A. Barfield, Bristol, artist, Oct. 5 at 11, District Court of Bankruptcy, Bristol, aud. ac.—J. Mack, Liverpool, pawnbroker, Sept. 22 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—John Lythgoe, Liverpool, cooper, Sept. 22 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—Ed. Jones, Liverpool, ironmonger, Sept. 22 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—Thomas Henrey, Liverpool, draper, Sept. 22 at 12, District Court of Bankruptcy, Liverpool, aud. ac.—Henry Williams, Llanrwst, Denbighshire, apothecary, Sept. 22 at 12, District Court of Bankruptcy, Liverpool, aud. ac.—Duncan Macdougall, Liverpool, factor, Sept. 22 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—Wm. Lloyd, Liverpool, spirit merchant, Sept. 22 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—Benj. Thomas, Liverpool, merchant, Sept. 22 at 12, District Court of Bankruptcy, Liverpool, div.—Hen. Delemain, Liverpool, merchant, Sept. 22 at 12, District Court of Bankruptcy, Liverpool, div.—Ed. Thomas, Clifton, Bristol, wine merchant, Sept. 25 at 11, District Court of Bankruptcy, Bristol, div.—Jas. Innes, Cheltenham, Gloucestershire, ironmonger, Sept. 24 at 11, District Court of

Bankruptcy, Bristol, div.—W. Hand, Mollleston, Pembrokeshire, coal merchant, Oct. 9 at 11, District Court of Bankruptcy, Bristol, div.

## CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

Richard David, Newbridge, near Cardiff, Glamorganshire, draper, Sept. 24 at 12, District Court of Bankruptcy, Bristol.—Benj. Bensley, Poolholm, Monmouthshire, out of business, Sept. 24 at 11, District Court of Bankruptcy, Bristol.—Waller Bates, Manchester, stockbroker, Sept. 23 at 12, District Court of Bankruptcy, Manchester.—John Leadbeater, Manchester, merchant, Sept. 23 at 12, District Court of Bankruptcy, Manchester.—Thos. Read, Manchester, cigar dealer, Sept. 23 at 12, District Court of Bankruptcy, Manchester.—John Seaton, Frickley-cum-Clayton, Yorkshire, farmer, Sept. 24 at 11, District Court of Bankruptcy, Leeds.—Charles Ball, Lane-end, and Cheadle, Staffordshire, linen-draper, Sept. 24 at 12, District Court of Bankruptcy, Birmingham.—Robert Cook, Gainsborough, Lincolnshire, surgeon, Sept. 23 at 10, District Court of Bankruptcy, Kingston-upon-Hull.—Edwin Lilley, Kingston-upon-Hull, timber merchant, Sept. 23 at 10, District Court of Bankruptcy, Kingston-upon-Hull.—Wm. Hen. Wilson, Kingston-upon-Hull, merchant, Sept. 23 at 10, District Court of Bankruptcy, Kingston-upon-Hull.—Chas. Fred. Carne and Maurice Telo, Liverpool, merchants, Sept. 22 at 11, District Court of Bankruptcy, Liverpool.—Wm. Henry Broad, Stourport, Worcestershire, maltster, Sept. 29 at 11, District Court of Bankruptcy, Birmingham.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Sept. 22.

Robert Perry, Brighton, Sussex, draper.—John Brock, Chester, innkeeper.—George How Green and G. Courthope Green, Barge-yard, Bucklersbury, London, wholesale stationers.—Geo. Codrington Nicholls, Upton, Cheshire, commission merchant.

## SCOTCH SEQUESTRATIONS.

Laurence Fleming, Edinburgh, tobaccoist.—W. Oswald, Ladysnuick, Clackmannan, lime burner.—John Drysdale, Alva, Stirling, machine maker.—Geo. Dowden Chomar, Glasgow, and Dunoon, merchant.

## INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

John Nicols, Chapple Deanes, Great Yarmouth, Norfolk, beer-shop keeper, Sept. 18 at 12, Court of Bankruptcy, London.—William Hoile, Cavendish-road, Wandsworth-road, Surrey, out of business, Sept. 18 at 12, Court of Bankruptcy, London.—Ebenezer Craker, Luton, Bedfordshire, carpenter, Sept. 18 at 1, Court of Bankruptcy, London.—Thos. Brennan, Brook-st., West-sq., Lambeth, Surrey, chandler-shop keeper, Sept. 18 at 12, Court of Bankruptcy, London.—Jas. Gibson, Duke-st., Adelphi, Strand, Middlesex, baker, Sept. 18 at half-past 11, Court of Bankruptcy, London.—James Sinclair, London-road, Surrey, Slater, Sept. 18 at half-past 12, Court of Bankruptcy, London.—Hen. Shalders, Albion-street, Wandsworth-road, Surrey, commission agent, Sept. 18 at 12, Court of Bankruptcy, London.—Samuel Brooks, St. Philip and Jacob, Bristol, shoemaker, Sept. 15 at 11, District Court of Bankruptcy, Bristol.—Thos. W. Parratt, Bradford, Yorkshire, engraver, Sept. 11 at 11, District Court of Bankruptcy, Leeds.—John Pickles, Bradford, Yorkshire, hair dresser, Sept. 11 at 11, District Court of Bankruptcy, Leeds.—Benham Simpson, Pocklington, Yorkshire, grocer, Sept. 11 at 11, District Court of Bankruptcy, Leeds.—Wm. Greig, Leeds, Yorkshire, butcher, Sept. 11 at 11, District Court of Bankruptcy, Leeds.—Edward Bassford, Walton-on-the-Hill, Lancashire, book-keeper, Sept. 10 at 11, District Court of Bankruptcy, Liverpool.—Ralph Hardy Thomson, Liverpool, book-keeper, Sept. 8 at 11, District Court of Bankruptcy, Liverpool.—Thomas Dyson, Halifax, Yorkshire, drysalter, Sept. 9 at 12, District Court of Bankruptcy, Manchester.

Saturday, Aug. 29.

The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.

Charles Parry, Minorics, London, ship insurance broker,

No. 19,284 O.; Hen. Buckle, new assignee, in place of John Wm. Buckle, dec.—*Jean P. Parent*, Air-street, Piccadilly, Middlesex, tailor, No. 58,353 T.; Fred. Skerratt, assignee.—*Jas. Teygerdine*, Wisbeach St. Mary, Isle of Ely, Cambridgeshire, publican, No. 66,825 C.; Sam. Morton, assignee.—*John Swift*, Dowd Holland, near Liverpool, shopkeeper, No. 12,546 O.; Wm. Watson, assignee.

Saturday, Aug. 29.

*Orders have been made, sitting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*John Askwell*, John-street, Wilmington-square, Middlesex, clock maker: in the Debtors Prison for London and Middlesex.—*John Myers*, Crutched Friars, London, out of business: in the Debtors Prison for London and Middlesex.—*George S. Henley*, Victoria-gardens, Grove-road, Mile-end-road, Middlesex, beer-shop keeper: in the Debtors Prison for London and Middlesex.—*Thomas Roberts* the younger, York-street, Westminster, Middlesex; out of business: in the Debtors Prison for London and Middlesex.—*Joseph Roberts*, York-st., Westminster, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Wm. Clark*, Dean's-buildings, East-street, Watworth, Surrey, out of business: in the Queen's Prison.—*Charles Burrage*, South-street, Rye-lane, Peckham, Surrey, cowkeeper: in the Gaol of Surrey.—*John Tinsley*, Roll's-buildings, Fetter-lane, Middlesex, attorney at law: in the Debtors Prison for London and Middlesex.—*Ch. Danvers Hackett*, Bouverie-street, Fleet-street, London, out of business: in the Queen's Prison.—*John Kitchen*, Heaton Norris, near Manchester, out of business: in the Gaol of Lancaster.—*Richard Houslow*, Wing, Bucks, carrier: in the Gaol of Aylesbury.—*John Mums*, Garlinge, St. John, Margate, Kent, carpenter: in the Gaol of Dover.—*Sleight Hill*, Tetford, near Horncastle, Lincolnshire, agricultural labourer: in the Gaol of Lincoln.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Friday, Sept. 18, at 9.*

*Henry Hancock*, Russell-place, Old Kent-road, Surrey, out of business.—*Ebenezer Hollingham*, Dorcas-terrace, Hammer-smith-road, Fulham, out of business.—*George Rich. House*, Fort-street, Spital-square, Middlesex, foreman to a colour manufacturer.—*Isaac Baynton*, Crab Tree Shot-rd., North-fields, Peckham, Surrey, commission agent for the sale of ales.—*G. Weeks*, Reynold's-court, Moor-lane, London, jobbing stone-mason.—*J. Fry*, South-street, Shand-square, Chelsea, Middlesex, cheesemonger.—*J. Webb*, Holywell-street, Millbank, Westminster, Middlesex, hatter.—*T. Shortland Norton*, Park-street, Camden-town, Middlesex, carpenter.—*Sam. Messent*, Ratcliffe-highway, Middlesex, oil and colour man.—*Edward Thidd*, Charlton-terrace, New Charlton, Kent, baker.

*Sept. 19, at the same hour and place.*

*Francis Lea*, Vernon-square, Bagnigge-wells-road, Middlesex, pocket book manufacturer.—*Isaac Wm. Newton*, Burr-street, Wapping, Middlesex, master mariner.—*Wm. Thomas Stillard*, Shades, Old Swan-wharf, Upper Thames-street, London, dealer in silk.—*J. Payne*, Englefield-green, near Egham, Surrey, out of business.—*Francis Harrison*, Tottenham-court-road, Middlesex, furnishing ironmonger.—*John Hetherington Smith*, Westbourne-park-road, Paddington, Middlesex, attorney at law.—*James Wells*, St. Ann's-lane, St. Martin's-le-Grand, London, woollen draper.

#### INSOLVENT DEBTORS' DIVIDENDS.

*Eric Thos. Baker*, clerk in the Treasury, Dickson & Overbury's, 4, Frederick's-place, Old Jewry, London: 10s. 4d. in the pound.—*Mary Holland*, Liverpool, widow, Webster's, Manchester: 10s. in the pound.

#### FRIDAY, SEPT. 4.

##### BANKRUPTS.

**ROBERT FRANCIS BARBER**, Bishopsgate-street Without, London, licensed victualler, dealer and chapman, Sept. 14 at 11, and Oct. 20 at half-past 11, Court of Bankruptcy, London: Off. Ass. Alsager; Sol. Hussey, 85, Queen-st., Cheapside, London.—Fiat dated Aug. 28.

**JAMES HALL**, Leeds, Yorkshire, chemist and druggist, Sept. 16 and Oct. 7 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sols. Shackleton, Leeds; Sudlow & Co., Chancery-lane, London.—Fiat dated Aug. 31.

**WILLIAM LAKE**, Henfield, Sussex, grocer, dealer and chapman, Sept. 14 at 2, and Oct. 9 at half-past 2, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Burnett, Brighton; Rickard & Walker, Lincoln's-inn-fields.—Fiat dated Aug. 20.

**JOHN MORTIMER**, Bradford, Yorkshire, woolstapler, Sept. 16 and Oct. 7 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Tilley & Watson, Bradford; Bond, Leeds; H. B. Clarke, Chancery-lane, London.—Fiat dated Aug. 31.

**THOMAS WAINWRIGHT**, Barnsley, Yorkshire, surgeon and apothecary, dealer and chapman, Sept. 16 and Oct. 7 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Marshall, Barnsley; Carias, Leeds; Wilkinson, Lincoln's-inn-fields, London.—Fiat dated Aug. 31.

**JOSEPH FIRTH** the elder, Staniland, **JOSEPH FIRTH** the younger, Booth-town, **JAMES DUGDALE**, Soyland, and **WILLIAM STOTT**, Soyland, all in Yorkshire, cotton spinners at High-town, Birstal, Yorkshire, in copartnership with James Sutcliffe, John Sutcliffe, William Berry, Elkanah Hoyle, Joseph Farrar, and John Farrar, (under the style or firm of James Sutcliffe & Co.), Sept. 15 and Oct. 6 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Wavell, Halifax; Courtenay, Leeds; Gregory & Co., Bedford-row, London.—Fiat dated Aug. 28.

**GEORGE LEWIS**, Wrexham, Denbighshire, apothecary, dealer and chapman, Sept. 14 and Oct. 5 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sols. Hughes, Wrexham; Evans & Son, Liverpool; Philpot, jun., 3, Southampton-street, Bloomsbury, London.—Fiat dated Aug. 25.

#### MEETINGS.

*Wm. Miller*, Manchester, commission agent, Sept. 18 at 12, District Court of Bankruptcy, Manchester, last ex.—*W. Tweddle*, Liverpool, soap manufacturer, Oct. 1 at 12, District Court of Bankruptcy, Liverpool, last ex.—*William Wood*, Shrewsbury, Shropshire, wine merchant, Sept. 22 at 12, District Court of Bankruptcy, Birmingham, last ex.—*Jas. Hargreaves*, Farnhill-hall, Kildwick, Yorkshire, worsted spinner, Sept. 25 at 11, District Court of Bankruptcy, Leeds, and ac.; Sept. 26 at 11, fin. div.—*J. Wainwright*, Birmingham, wine merchant, Oct. 10 at 12, District Court of Bankruptcy, Birmingham, and ac.—*J. Smith*, Stratford-upon-Avon, Warwickshire, grocer, Oct. 6 at 12, District Court of Bankruptcy, Birmingham, and ac.—*G. Ratcliffe*, Sheffield, Yorkshire, fender manufacturer, Sept. 25 at 11, Town-hall, Sheffield, and ac. and fin. div.—*F. D. Barker*, Cambridge, banker, Sept. 23 at 11, Court of Bankruptcy, London, div.—*H. Hartop*, Hoyland, Wath-upon-Deane, Yorkshire, ironmaster, Sept. 25 at 11, Town-hall, Sheffield, fin. div.—*George Parker*, Sheffield, Yorkshire, spade manufacturer, Sept. 25 at 11, Town-hall, Sheffield, fin. div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on the Day of Meeting.*

*Thomas Caswell* and *James Thomas Tindall*, Northampton, and Sheffield, Yorkshire, leather sellers, Oct. 3 at 12, Court of Bankruptcy, London.—*Martha Illingworth*, Wm. Smith, and *John Wright*, Bradford, Yorkshire, worsted spinners, Oct. 7 at 11, District Court of Bankruptcy, Leeds.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Sept. 25.*

*Francis Rolfe*, Great Marlborough-street, Middlesex, tailor.—*James Philp*, Bristol, wholesale stationer.—*Thos. Beeson Young*, Louth, Lincolnshire, chymist.—*Henry Williams*, Llanrwst, Denbighshire, apothecary.—*James Edwards*, Birmingham, ironfounder.—*James Evans*, Haywood-lodge, Herefordshire, cattle dealer.—*J. B. H. Jolliffe*, Westbury-upon-Trym, Gloucestershire, and Bristol, chymist.—*Jas. Cowen Wotton*, Halsted, Essex, ironmonger.—*John Wilmot*, Leaton, Nottinghamshire, coach proprietor.—*James Waterhouse*, Salford, Lancashire, calico printer.—*Jos. Greaves Smith*, Liverpool, grocer.—*Sir John Ross*, Knight, Gracechurch-street, London, banker.—*Joseph Davis*, Pall-mall, Middlesex, and Ludgate-hill, London, dentist.

#### SCOTCH SEQUESTRATIONS.

*Charles Simson*, Glasgow, merchant.—*John Cullender*, Linlithgow, tanner.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Thomas Allen*, Margate, Kent, cordwainer, Sept. 19 at half-past 12, Court of Bankruptcy, London.—*Robert Cross*, Fillingham, Oxfordshire, boot and shoemaker, Sept. 19 at half-past 11, Court of Bankruptcy, London.—*Henry Eliska*, King-st., Cloth-fair, London, general shopkeeper, Sept. 19 at half-past 11, Court of Bankruptcy, London.—*Jos. Henry Masson*, Mount-st., Friar's-mount, Bethnal-green, Middlesex, painter, Sept. 19 at half-past 11, Court of Bankruptcy, London.—*John Harvey*, Milton-next-Gravesend, Kent, grocer, Sept. 19 at half-past 12, Court of Bankruptcy, London.—*Charles Bullen Power*, Southampton, agent for the purchase of wool on commission, Sept. 19 at half-past 12, Court of Bankruptcy, London.—*Henry Stanborough*, Belvidere-lodge, Esher, Surrey, out of business, Sept. 19 at half-past 12, Court of Bankruptcy, London.—*Samuel Stephens*, Powis-st., Woolwich, Kent, tea dealer, Sept. 18 at 1, Court of Bankruptcy, London.—*George Bradley*, Romford, Essex, not carrying on any business, Sept. 18 at 2, Court of Bankruptcy, London.—*William Jones*, Lawn-place, South Lambeth, Surrey, out of business, Sept. 18 at 1, Court of Bankruptcy, London.—*Jos. Dean*, Garratt-lane, Wandsworth, Surrey, dyer, Sept. 18 at 1, Court of Bankruptcy, London.—*Wm. Gregory*, Acra-lane, Clapham, Surrey, bottled ale merchant, Sept. 18 at 1, Court of Bankruptcy, London.—*Ed. Pitts*, Debtors Prison, Whitecross-st., London, commander in the royal navy, Sept. 18 at 2, Court of Bankruptcy, London.—*Jas. Stone*, Princes-street, Drury-lane, Middlesex, carpenter, Sept. 24 at 2, Court of Bankruptcy, London.—*Thos. Hewitt*, Liverpool, shoemaker, Sept. 14 at 11, District Court of Bankruptcy, Liverpool.—*Samuel Fielding*, Littlemoor, Whitfield, Derbyshire, stone getter, Sept. 16 at 12, District Court of Bankruptcy, Manchester.—*J. Collinson Kitching*, Rusholme, Manchester, builder, Sept. 16 at 12, District Court of Bankruptcy, Manchester.—*George Alera*, Liverpool, book-keeper, Sept. 10 at half-past 11, District Court of Bankruptcy, Liverpool.—*William Fountain*, Selby, Yorkshire, lodging-house keeper, Sept. 16 at 11, District Court of Bankruptcy, Leeds.—*John Coates and Thos. Cragland*, Yeadon, Yorkshire, cloth makers, Sept. 16 at 11, District Court of Bankruptcy, Leeds.—*John Crocker*, Bristol, tallow chandler, Sept. 10 at half-past 11, District Court of Bankruptcy, Bristol.—*Sam. Price*, Blaenycwm, Llavel, Breconshire, farmer, Sept. 10 at 11, District Court of Bankruptcy, Bristol.—*Hugh Fraser*, Cheltenham, Gloucestershire, draper's assistant, Sept. 11 at half-past 1, District Court of Bankruptcy, Bristol.—*Eliza Chalou*, Hulme, Manchester, widow, Sept. 17 at 12, District Court of Bankruptcy, Manchester.—*Thos. Ogden*, Hulme, Manchester, provision-shop keeper, Sept. 16 at 12, District Court of Bankruptcy, Manchester.

*Wednesday, Sept. 2.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Wm. Norton*, Penny-bridge, Kirkheaton, near Huddersfield, Yorkshire, fancy wainscoting manufacturer: in the Debtors Prison for London and Middlesex.—*James Johnson*, Spring-grove, Wandsworth-road, Surrey, journeyman millwright and iron turner: in the Debtors Prison for London and Middlesex.—*John Castledine*, Long Ditton, Surrey, out of business, previously publican: in the Gaol of Horsemanor-lane.—*Gabriel Justin Giraud*, Church-street, Kensington, Middlesex, following no trade: in the Debtors Prison for London and Middlesex.—*Thomas Roper Hawker*, Devonshire-street, Bishopsgate-street, London, tailor: in the Queen's Prison.—*Edw. C. Peagam*, Penton-st., Pentonville, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Antonio Grus*, Dean-st., Soho, Middlesex, side prompter at the Italian Opera House: in the Debtors Prison for London and Middlesex.—*Watson Vredendury*, Mount-st., Grosvenor-square, Middlesex, barrister at law: in the Debtors Prison for London and Middlesex.—*Jas. Hodgkins*, Eagle-st., Red Lion-sq., Middlesex, whitesmith: in the Debtors Prison for London and Middlesex.—*Bartholomew Wood*, Great Tower-street, London, working jeweller: in the Debtors Prison for London and Middlesex.—*John Woods*, Holiday-yard, Creed-lane, Ludgate-hill, London, out of business: in the Queen's

Prison.—*Rob. P. Armstrong*, Newport, Monmouthshire, licensed tea dealer: in the Gaol of Monmouth.—*John Griffiths*, Worcester, shoemaker: in the Gaol of Worcester.—*Joseph Vero*, Atherstone, Warwickshire, hatter: in the Gaol of Warwick.—*Solomon Price*, Walcot, Bath, Somersetshire, livery-stable keeper: in the Gaol of Wilton.—*Sam. Jameson*, Caythorpe, Nottinghamshire, following no business: in the Gaol of Radford Peverel.—*Sam. L. Seal*, Knightford-bridge-mill, Knightwink, Worcestershire, out of business: in the Gaol of Worcester.—*Jas. Vero*, Atherstone, Warwickshire, in no business: in the Gaol of Warwick.—*Wm. Moate*, Salford, Lancashire, general dealer: in the Gaol of Lancaster.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Monday, Sept. 21, at 9.*

*Wm. S. Alderton*, Chancery-lane, London, steel pen manufacturer.—*John Shaw*, Tabernacle-sq., Shoreditch, coach painter.—*Hen. Alger*, Edmund-st., Somers-town, Middlesex, carpenter.—*Wm. Griffin*, Howard-st., Strand, Middlesex, out of employ.—*Chas. L. Grimwood*, Curator-st., Chancery-lane, Middlesex, locksmith.—*John Riley*, Westbourne-park-villas, Paddington, Middlesex, out of business.—*Jas. Reeve*, Russell-court and Holywell-st., Drury-lane, Middlesex, news agent.—*Frances Bennett*, Cloudeley-terrace, Liverpool-road, Islington, Middlesex, carpenter.—*George Spurgin*, Church-end, Finchley, Middlesex, seed grower.

*Sept. 22, at the same hour and place.*

*Hen. Godfrey*, Hampstead-road, Middlesex, commission agent.—*Geo. J. Wright*, Church-st., Hampton, Middlesex, attorney's clerk.—*Wm. Pasfield*, Baling-green, Middlesex, bricklayer.—*Robert Beck*, Cheapside, London, hair cutter.—*Jas. Hanns*, Upper Fitzroy-place, New-road, St. Pancras, Middlesex, ginger beer manufacturer.—*John H. Dew*, King William-st., Strand, Middlesex, accountant.—*George Miles*, Grosvenor-row, Pimlico, Middlesex, egg merchant.—*James Breggess*, Crafter-turr., Shepherd's-bush, Middlesex, builder.—*Wm. Bonsor*, Ely-place, Hoxton Old-town, Middlesex, out of business.—*Jos. Ansell*, Lucas-st., Commercial-road East, Middlesex, licensed hawkers.

## INSOLVENT DEBTOR'S DIVIDEND.

*Thos. S. Hansman*, Liverpool, licensed victualler, Booth's, Liverpool: 2s. 4d. in the pound.

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# The Jurist

No. 505—VOL. X.

SEPTEMBER 12, 1846.

PRICE 1s.

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LONDON, SEPTEMBER 12, 1846.

WE return to the Small Debts Act, (the 9 & 10 Vict. c. 95), for the purpose of considering one of the provisions most materially affecting its operation, viz. the 91st, which regulates the mode in which litigants may appear by professional agents, and the scale of fees according to which such agents are to be remunerated. The 91st section is in the following words:—"That no person shall be entitled to appear for any other party to any proceeding in any of the said courts unless he be an attorney of one of her Majesty's superior courts of record, or a barrister at law instructed by such attorney on behalf of the party, or, by leave of the judge, any other person allowed by the judge to appear instead of such party; but no barrister, attorney, or other person, except by leave of the judge, shall be entitled to be heard to argue any question as counsel for any other person in any proceeding in any court holden under this act; and no person, not being an attorney admitted to one of her Majesty's superior courts of record, shall be entitled to have or recover any sum of money for appearing or acting on behalf of any other person in the said court; and no attorney shall be entitled to have or recover, therefore, any sum of money, unless the debt or damage claimed shall be more than 40s., or to have or recover more than 10s. for his fees and costs, unless the debt or damage claimed shall be more than 5l., or more than 15s. in any case within the summary jurisdiction given by this act; and in no case shall any fee exceeding 1l. 3s. 6d. be allowed for employing a barrister as counsel in the cause; and the expense of employing a barrister or an attorney, either by plaintiff or defendant, shall not be allowed on taxation of costs in the case of a plaintiff where less than 5l. is recovered, or in the case of a defendant where less than 5l. is claimed, or in any case unless by order of the judge."

VOL. X.

I I

The first thing to be noticed upon the construction of this section is, that a distinction is made between simply *appearing* for a party, and being heard to argue any question for him. Any attorney, or any barrister instructed by such attorney, may, it would seem, appear in a county court, under the act, on behalf of a party, without leave of the judge; but he may not argue a question without such leave. What he may do under the head of "appearing," is not clear. Probably, the intention is, that he may examine witnesses, and generally advise the party how to proceed, and do, in fact, anything short of addressing an argument to the court; but, as it is not a very easy matter to say what is mere commentary on the proceedings as they occur, not being argument, and what is argument, it will follow, that, where the court refuses leave to argue, unless it is also ruled, that the professional person appearing, is prohibited from opening his lips, except by way of private advice to his client, the course of proceeding will be likely to be a running fight between the advocate and the judge, the advocate struggling to get as near an argument as he can, and the judge perpetually checking and interrupting him. For their own comfort, we doubt not that the judges will, in all cases where a professional person is employed, give him leave to appear and conduct his client's case throughout.

With regard to the fees, there can be no doubt that the intention of the Legislature was, that no attorney should be entitled to have or recover, for the whole business of conducting a case in and out of court, more than the prescribed fees, viz. 10s. if the debt is under 5l., and 15s. if the debt is above that; but whether the language of the section carries this intention into execution, is another question. The restriction upon the attorney's claim to fees is for "appearing or acting on behalf of any other person in the said court." The question will turn, therefore, upon the meaning of the

words "in the said court." Will those words include all business done in relation to a litigation conducted in the county court, or will they be confined to the business actually of record? Suppose a claim brought on a balance of an account between a higgler and a petty publican, the account consisting of some hundreds of loose scraps of paper on either side, mixed up with parol evidence of petty payments: would the attorney's labour in advising his client upon the value, as evidence, of his various proofs, and the other pleasant little points which might arise in such a case, if a plaint was filed, be acting in his behalf *in the said court*? Or take a running-down case, or any other case, trivial or not, where much evidence would have to be collected and sifted before a party could be advised to file his plaint: would the attorney's preliminary advice and assistance be within the words of the 91st section? If it would not, then that section is plainly emasculated; if it would, then it is more than doubtful whether the effect of the 91st section will not be to make it impracticable for the services of a competent attorney to be obtained, in the very and only class of cases in which, under this act, they would be requisite, viz. where there are difficulties of fact or law; for it will be observed, that the words prohibiting the attorney from receiving more than the specified costs are very strong—"he shall not be entitled either to *have* or to *recover*." It is clear, that, under this section, an express agreement for larger fees would not be binding on the client; and we conceive that the clause goes further, and that the attorney could not even retain fees voluntarily paid, since he is not entitled to *have*, which must here, we apprehend, mean to *hold*.

But, though the Legislature appears to have been so very anxious to prevent the expense of the ordinary business of these courts from being swollen by the intervention of attorneys with bills of costs on the ordinary scale, and though it appears also to have intended to exclude the increase of expense by the intervention of counsel, by declaring that in no case shall a fee exceeding one guinea be allowed for employing counsel, this last clause entirely loses its protective force, by the absence of any attempt (an attempt which we do not say ought to have been made) to apply to the barrister, the personal prohibition laid upon the attorney, against his *having* a larger fee than the prescribed one. The consequence is, that, though, clearly, no attorney could recover from his client a fee paid by him to counsel exceeding one guinea, there is nothing to prevent the party giving to his attorney voluntarily, any sum that he thinks fit to instruct him to give to counsel; and clearly the fee could not be recovered back from counsel. We see nothing, therefore, in this act that should prevent a suitor in the county court, having obtained leave to appear and argue by counsel, from retaining, if rich enough, counsel of the greatest eminence. Clearly, this was never contemplated by the Legislature, and so far the 91st section has miscarried.

There is, undoubtedly, infinite difficulty in constituting a court for administering justice, which shall be both cheap and good, and decorously administered. If a miserable scale of fees, such as that of the present act, is enforced, the tendency is to introduce a very low standard of practice; if such a scale is not enforced,

then farewell to cheap justice. We confess we have not brilliant anticipations of the working of any County Courts Act that does not proceed upon the plan so often advocated in this journal, of providing public advocates and attorneys, paid, in part, at any rate, by the state. If the poor man is entitled to cheap justice, and if it be the fact, that he cannot get it good as well as cheap, in courts constituted on ordinary principles, why should the state, while holding itself liable to create judges expressly for him, conceive it an infringement of the rights of other classes—an unwarrantable tax upon the public purse—to give him that; and which it is admitted, by the very acts of the Legislature itself, he cannot pay for, and without which good judges can only half help him, viz. competent professional assistance?

## PUBLIC GENERAL STATUTES. 9 & 10 VICTORIA.—SESSION 6.

### CAP. I.

An Act for the further Amendment of the Acts for the Extension and Promotion of Public Works in Ireland.  
[5th March, 1846.]

### CAP. II.

An Act to authorise Grand Juries in Ireland, at the Spring Assizes of the present Year, to appoint Extraordinary Presentment Sessions; to empower such Sessions to make Presentment for County Works, and to provide Funds for the Execution of such Works; and also to provide for the more prompt Payment of Contractors for Works under Grand Jury Presentments in Ireland.  
[5th March, 1846.]

### CAP. III.

An Act to encourage the Sea Fisheries of Ireland, by promoting and aiding with Grants of Public Money the Construction of Piers, Harbours, and other Works.  
[5th March, 1846.]

### CAP. IV.

An Act to amend the Acts for promoting the Drainage of Lands, and Improvement of Navigation and Water Power in connexion with such Drainage, in Ireland; and to afford Facilities for increased Employment for the labouring Classes in Works of Drainage during the present Year.  
[5th March, 1846.]

### CAP. V.

An Act to amend an Act for regulating the Construction and Use of Buildings in the Metropolis and its Neighbourhood.  
[24th March, 1846.]

### CAP. VI.

An Act to make Provision, until the 1st Day of September, 1847, for the Treatment of poor Persons afflicted with Fever in Ireland.  
[24th March, 1846.]

### CAP. VII.

An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year 1846.  
[30th March, 1846.]

### CAP. VIII.

An Act to make further Provisions as to unclaimed Stock and Dividends of the South Sea Company.  
[30th March, 1846.]

### CAP. IX.

An Act for amending the Act for rendering effective the Services of the Chelsea Out-Pensioners, and extending it to the Out-Pensioners of Greenwich Hospital.  
[2nd April, 1846.]

## CAP. X.

An Act for regulating the Payment of the Out-Pensioners of Greenwich and Chelsea Hospitals. [2nd April, 1846.]

## CAP. XI.

An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters. [2nd April, 1846.]

## CAP. XII.

An Act for the Regulation of her Majesty's Royal Marine Forces while on Shore. [2nd April, 1846.]

## CAP. XIII.

An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively until the 25th Day of March, 1847. [14th May, 1846.]

## CAP. XIV.

An Act to continue until the 1st Day of March, 1847, and from thence to the End of the then next Session of Parliament, the several Acts relating to Insolvent Debtors in India. [14th May, 1846.]

## CAP. XV.

An Act for raising the Sum of Eighteen Millions three hundred and eighty thousand two hundred Pounds by Exchequer Bills, for the Service of the Year 1846. [14th May, 1846.]

## CAP. XVI.

An Act to authorise the Inclosure of certain Lands, in pursuance of the Recommendation of the Inclosure Commissioners for England and Wales. [14th May, 1846.]

## CAP. XVII.

An Act for the Abolition of the exclusive Privilege of trading in Burghs in Scotland. [14th May, 1846.]

## CAP. XVIII.

An Act to amend Two clerical Errors in an Act of the last Session, for regulating the Labour of Children, young Persons, and Women in Print Works. [18th June, 1846.]

## CAP. XIX.

An Act to amend an Act of the Second and Third Years of his late Majesty, by providing additional Booths or Polling Places at Elections in Ireland, where the Number of Electors whose Names shall begin with the same Letter of the Alphabet shall exceed a certain Number. [18th June, 1846.]

## CAP. XX.

An Act to amend an Act of the Second Year of her present Majesty, for providing for the Custody of certain Monies paid, in pursuance of the Standing Orders of either House of Parliament, by Subscribers to Works or Undertakings to be effected under the Authority of Parliament. [18th June, 1846.]

Sec. 1. *Recited Act repealed. Acts done and Monies paid under former Act.*

2. *Authority to deposit.*

3. *Payment of Deposit.*

4. *Investment of Deposit.*

5. *Repayment of Deposit. Granting Certificate, &c. not to make the Chairman or Speaker signing the same liable.*

Whereas an act was passed in the 1 & 2 Vict. [c. 117], intitled, "An Act to provide for the Custody of certain Monies paid, in pursuance of the Standing Orders of either House of Parliament, by Subscribers to Works or Undertakings to be effected under the Authority of Parliament." And whereas it is expedient that the said act should be repealed, and should be re-enacted with such modifications, extensions, and alterations as after mentioned: Be it therefore enacted, &c., that the said act shall be and is hereby repealed: Provided always, that all acts done under the provisions of the said act shall be good,

valid, and effectual to all intents and purposes, and that all sums of money paid under the provisions of the said act shall be dealt with in all respects as if this act had not been passed.

2. That in all cases in which any sum of money is required by any standing order of either House of Parliament, either now in force or hereafter to be in force, to be deposited by the subscribers to any work or undertaking which is to be executed under the authority of an act of Parliament, if the director or person or directors or persons having the management of the affairs of such work or undertaking, not exceeding five in number, shall apply to one of the clerks in the office of the clerk of the Parliaments with respect to any such money required by any standing order of the Lords spiritual and temporal in Parliament assembled, or to one of the clerks of the Private Bill Office of the House of Commons with respect to any such money required by any standing order of the Commons in Parliament assembled, to be deposited, it shall be lawful for the clerk so applied to, by warrant or order under his hand, to direct that such sum of money shall be paid in manner hereinafter mentioned, (that is to say), into the Bank of England, in the name and with the privy of the Accountant-General of the Court of Chancery in England, if the work or undertaking in respect of which the sum of money is required to be deposited is intended to be executed in that part of the United Kingdom called England, or into any of the banks in Scotland established by act of Parliament or royal charter, in the name and with the privy of the Queen's Remembrancer of the Court of Exchequer in Scotland, at the option of the person or persons making such application as aforesaid, in case such work or undertaking is intended to be executed in that part of the United Kingdom called Scotland, or into the Bank of Ireland, in the name and with the privy of the Accountant-General of the Court of Chancery in Ireland, in case such work or undertaking is intended to be made or executed in that part of the United Kingdom called Ireland; and such warrant or order shall be a sufficient authority for the Accountant-General of the Court of Chancery in England, the Queen's Remembrancer of the Court of Exchequer in Scotland, and the Accountant-General of the Court of Chancery in Ireland, respectively, to permit the sum of money directed to be paid by such warrant or order to be placed to an account opened or to be opened in his name in the bank mentioned in such warrant or order.

3. That it shall be lawful for the person or persons named in such warrant or order, or the survivors or survivor of them, to pay the sum mentioned in such warrant or order into the bank mentioned in such warrant or order in the name and with the privy of the officer or person in whose name such sum shall be directed to be paid by such warrant or order, to be placed to his account there ex parte the work or undertaking mentioned in such warrant or order, pursuant to the method prescribed by any act or acts for the time being in force for regulating monies paid into the said courts, and pursuant to the general orders of the said courts respectively, and without fee or reward; and every such sum so paid in, or the securities in or upon which the same may be invested as hereinafter mentioned, or the stocks, funds, or securities authorised to be transferred or deposited in lieu thereof as hereinafter mentioned, shall there remain until the same, with all interest and dividends, if any, accrued thereon, shall be paid out of such bank, in pursuance of the provisions of this act: Provided always, that in case any such director or person, directors or persons, having the management of any such proposed work or undertaking as aforesaid, shall have previously invested in the 3l. per Cent. Consolidated or the 3l. per Cent. Reduced Bank Annuities, Exchequer bills, or other government securities, the sum or sums of money required by any such standing order of either House of Parliament as aforesaid to be deposited by the subscribers to any work or undertaking which is to be executed under the authority of an act of Parliament, it shall be lawful for the person or persons named in such warrant or order, or the survivors or survivor of them, to deposit such Exchequer bills or other government securities in the bank mentioned in such warrant or order in the name and with the privy of the officer or person in whose name such sum shall be such warrant or order be directed to be paid, or to transfer such government stocks or funds into the name of the officer or person; and such transfer or deposit shall be directed by such clerk of the office of the clerk of the Parliaments, or such clerk of the Private Bill Office of the House of Commons, as the case may be, in lieu of payment of so much of the sum of

money required to be deposited as aforesaid as the same Exchequer bills or other the government stocks or funds will extend to satisfy at the price at which the same were originally purchased by the said person or persons, director or directors, as aforesaid, such price to be proved by production of the broker's certificate of such original purchase.

4. That if the person or persons named in such warrant or order, or the survivors or survivor of them, desire to have invested any sum so paid into the Bank of England or the Bank of Ireland, or any interest or dividend which may have accrued on any stocks or securities so transferred or deposited as aforesaid, the court in the name of whose Accountant-General the same may have been paid may, on a petition presented to such court in a summary way by him or them, order that such sum or such interest or dividends shall, until the same be paid out to the parties entitled to the same in pursuance of this act, be laid out in the 3l. per Centum Consolidated or 3l. per Centum Reduced Bank Annuities, or any government security or securities, at the option of the aforesaid person or persons, or the survivor or survivors of them.

5. That on the termination of the session of Parliament in which the petition or bill for the purpose of making or sanctioning any such work or undertaking shall have been introduced into Parliament, or if such petition or bill shall be rejected or finally withdrawn by some proceeding in either House of Parliament, or shall not be allowed to proceed, or if the person or persons by whom the said money was paid or security deposited shall have failed to present a petition, or if an act be passed authorising the making of such work or undertaking, and if in any of the foregoing cases the person or persons named in such warrant or order, or the survivors or survivor of them, or the majority of such persons, apply by petition to the court in the name of whose Accountant-General the sum of money mentioned in such warrant or order shall have been paid, or such Exchequer bills, stocks, or funds shall have been deposited or transferred as aforesaid, or to the Court of Exchequer in Scotland, in case such sum of money shall have been paid in the name of the said Queen's Remembrancer, the court in the name of whose Accountant-General or Queen's Remembrancer such sum of money shall have been paid, or such Exchequer bills, stocks, or funds shall have been deposited or transferred, shall, by order, direct the sum of money paid in pursuance of such warrant or order, or the stocks, funds, or securities in or upon which the same may have been invested, and the interest or dividends thereof, or the Exchequer bills, stocks, or funds so deposited or transferred as aforesaid, and the interest and dividends thereof, to be paid or transferred to the party or parties so applying, or to any other person or persons whom they may appoint in that behalf; but no such order shall be made in the case of any such petition or bill being rejected or not being allowed to proceed, or being withdrawn or not being presented, or of an act being passed authorising the making of such work or undertaking, unless upon the production of the certificate of the chairman of committees of the House of Lords with reference to any proceeding in the House of Lords, or of the speaker of the House of Commons with reference to any proceeding in the House of Commons, that the said petition or bill was rejected or not allowed to proceed, or was withdrawn during its passage through one of the Houses of Parliament, or was not presented, or that such act was passed, which certificate the said chairman or speaker shall grant on the application in writing of the person or persons, or the majority of the persons named in such warrant, or the survivor or survivors of them: Provided always, that the granting of any such certificate, or any mistake or error therein or in relation thereto, shall not make the chairman or speaker signing the same liable in respect of any monies, stocks, funds, and securities which may be paid, deposited, invested, or transferred in pursuance of the provisions of this act, or the interest or dividends thereof.

#### CAP. XXI.

An Act to enable the Right Honourable Henry Viscount Hardinge to receive the full Benefit of an Annuity of Five thousand Pounds granted to him by the East India Company.  
[18th June, 1846.]

#### CAP. XXII.

An Act to amend the Laws relating to the Importation of Corn.  
[26th June, 1846.]

#### CAP. XXIII.

An Act to alter certain Duties of Customs.

[26th June, 1846.]

#### CAP. XXIV.

An Act for removing some Defects in the Administration of Criminal Justice.  
[26th June, 1846.]

- Sect. 1. *Power of Criminal Courts as to Terms of Transportation and Imprisonment.*  
2. *Repeal of 4 & 5 Will. 4, c. 36, s. 13. Indictments may now be preferred before the said Court.*  
3. *Writs for removing Indictments to specify County, &c. in which same shall be tried.*  
4. *Certificate of Recognizance filed to prosecute Writ of Error to be made out by the Clerk of the Crown, Master or Assistant Master on the Crown Side of Queen's Bench, and to be a sufficient Warrant for Defendant's Discharge.*

Whereas in certain cases of felony the court is not empowered by law to award sentence of transportation for a less period than the term of the offender's life, or some long term of years, or sentence of imprisonment for any shorter term than two years; but it is desirable that some such offenders should suffer transportation or imprisonment for a shorter period respectively, at the discretion of the court before which they are convicted: Now, be it enacted, &c., that, in all cases where the court is now by law empowered or required to award a sentence of transportation exceeding seven years, it shall be lawful for such court, at its discretion, to award a sentence of transportation for a term of years not less than seven years, or to award such sentence of imprisonment for any period not exceeding two years, with or without hard labour, as shall to the court, in its discretion, appear just, under all the circumstances.

2. And whereas it is now required by law that no indictment shall be presented before the grand jury of the Central Criminal Court for certain offences, unless the party prosecuting shall have first entered into recognizances to prosecute; be it enacted, that the said provision be, and the same is hereby repealed; and that bills of indictment may be preferred by any person before the grand jury of the said court for any offence alleged to be committed within the jurisdiction of the said court, in the same manner as may be done before any other grand jury.

3. And whereas doubts have been raised as to the proper place of trial, where indictments have been removed by writ of certiorari from the Central Criminal Court into the Court of Queen's Bench; be it enacted, that every writ of certiorari for removing an indictment from the said Central Criminal Court shall specify the county or jurisdiction in which the same shall be tried; and a jury shall be summoned and the trial proceed in the same manner in all respects as if the indictment had been originally preferred in that county or jurisdiction.

4. And whereas, by an act passed in the last session of Parliament, intitled "An Act to stay Execution of Judgment for Misdemeanours upon giving Bail in Error," it is (amongst other things) enacted, that the Clerk of the Crown in the Court of Queen's Bench shall, for the purposes in the said act mentioned, make out and deliver certificates, in writing, under his hand, of the due filing of record in the said court of any recognizance given to prosecute any writ of error, in the manner in the said act mentioned, and that any such certificate, when duly verified by affidavit, shall be a sufficient warrant to every gaoler or other person having the custody of such defendant or defendants in execution of such judgment to discharge him or them out of custody, and also to every person having in his possession the whole or any part of any fine levied in execution of any such judgment, to authorise and require the repayment thereof to the defendant or defendants: And whereas the making of such affidavit creates unnecessary expense and delay, and it is expedient to dispense with the same, and to make further provision for the making and delivery of such certificates; be it therefore enacted, that any such certificate as aforesaid, under the hand either of the said Clerk of the Crown or of the Master or Assistant Master on the Crown side of the said court, and sealed with the seal of the Crown Office in the said court, shall be a sufficient warrant for the discharge of any such defendant or defendants, and for the repayment of any such fine.

## CAP. XXV.

An Act for preventing malicious Injuries to Persons and Property by Fire, or by explosive or destructive Substances.

[26th June, 1846.]

## CAP. XXVI.

An Act for abolishing the Office of Superintendent of Convicts under Sentence of Transportation.

[3rd July, 1846.]

## CAP. XXVII.

An Act to amend the Laws relating to Friendly Societies.

[3rd July, 1846.]

Sect. 1. Purposes for which societies may be formed under 10 Geo. 4, c. 56, and 4 & 5 Will. 4, c. 40.

2. Member may withdraw from society, the rules of which do not prescribe the time &c., on giving notice and paying all arrears.

3. Payments to society shall be kept distinct for each purpose subscribed for, or extra payments made for contingencies.

4. Separate accounts to be kept for each particular benefit subscribed for.

5. Returns of the rates of sickness and mortality, assets, and liabilities, shall be sent by every society to the registrar of friendly societies every five years.

6. Penalties for not making returns to the registrar required by law.

7. For establishing the legality of certain societies.

8. Repeal of part of 10 Geo. 4, c. 56, and 4 & 5 Will. 4, c. 40. Societies legally established not excluded from benefit of said acts.

9. Provisions of 39 Geo. 3, c. 79, and 57 Geo. 3, c. 19, not to extend to friendly societies.

10. Barrister appointed to certify rules to be styled "Registrar of Friendly Societies in England, &c.," and shall be paid by a salary instead of fees.

11. Registrar to retain out of the fees received by him sufficient money to defray salaries and expenses of office. If fees not sufficient, balance to be paid out of consolidated fund.

12. So much of 10 Geo. 4, c. 56, as requires rules to be filed with clerks of the peace, &c. repealed. Rules now filed, &c. to be taken off and returned to the registrar. One transcript of certified rules, and all rules returned, shall be kept by registrar. Rules certified by registrar to be of full force.

13. Registrar shall not certify rules unless society adopt tables certified by the Actuary of National Debt Office, &c.

14. For appointing new trustees in certain cases.

15. Settlement of disputes between managers and members, &c. may be referred to registrar, unless law officers refer the same to a superior court.

16. On such reference, registrar may inspect books and administer oaths. False evidence, perjury.

17. When trustees shall be absent &c., registrar may order stock to be transferred and dividends paid.

18. Secretary of state to fix amount of fees payable on reference, and registrar to determine who shall pay them.

19. Justices empowered to enforce payment of fees under awards. If persons do not pay money pursuant to order, the same, together with costs, may be levied by distress. Proviso as to Scotland.

20. Rules certified by registrar, and awards executed under his hands, shall be received in evidence.

21. Forms set forth in the Schedule to this act may be used.

22. Act to be construed with 10 Geo. 4, c. 56, and 4 & 5 Will. 4, c. 40.

23. Act may be amended, &c.

## CAP. XXVIII.

An Act to facilitate the Dissolution of certain Railway Companies.

[3rd July, 1846.]

Sect. 1. *Persons who shall have entered into a Contract for the Formation of a Company for making a Railway, &c. may dissolve the same pursuant to this Act.*

2. *Committee, &c. may call Meetings of Shareholders to consider Dissolution.*

3. *Shareholders may require Committee to call Meeting, and, in default, may call it themselves.*

4. *Meeting to be held duly called, although certain Votes disallowed.*

5. *Notice of Meeting to be by Advertisement.*

6. *Notices to specify the Day, Hour, &c. of Meeting.*

7. *Chairman to be elected by a Majority of Committee, if present. Chairman to have a casting Vote.*

8. *Chairman bound to put Questions proposed, and no other Business to be transacted.*

9. *Three Scrutineers to be elected.*

10. *Case of the Chairman not being entitled to vote.*

11. *In the Event of a Quorum not being present at such Meetings, the same to be adjourned, and Votes of Persons present at original and adjourned Meetings to be received as if given at one and the same Meeting.*

12. *As to the Right of Parties entitled to vote at Meetings of the Shareholders.*

13. *Scale of voting.*

14. *Proxies shall be signed before a Master in Chancery in England, or Sheriff, &c. in Scotland.*

15. *Number of Persons, &c. necessary to constitute a Meeting. Majority must consist of at least Three-fifths of the Votes of Persons present.*

16. *Minutes of Proceedings to be advertised. London Gazette to be Evidence. Penalty on signing false Minutes, &c.*

17. *Places of Meeting shall be held as specified in Notice.*

18. *No Votes allowed except for Scrip, &c. actually issued or given before 31st March, 1846. Mode of ascertaining the Issues. 7 & 8 Vict. c. 110.*

19. *Registrars of Joint-stock Companies to require Return of Issues, but Omission of Registrar to send Notice not to exempt Committee from Penalties.*

20. *Committees of projected Railways in Scotland to lodge a Return with the Sheriff Clerk of Edinburgh within twelve Days from passing of this Act. Penalty for not lodging Return.*

21. *The Sheriff Clerk to give Notice by Advertisement for Returns of issued Scrip, &c. to be made.*

22. *In default of Return Meeting may be called, which must represent One-third of Capital of the Company.*

23. *Meeting to decide if Dissolution taken to be an Act of Bankruptcy. Scotland exempted.*

24. *If Meeting decide that Affairs shall not be so wound up, &c., then they shall be wound up like ordinary Partnerships.*

25. *Dissolution not to affect Rights of Creditors.*

26. *If Proposal of Dissolution rejected, no new Meeting to be called for six Months, &c.*

27. *Any three of the Committee, or any Creditor or Creditors, may petition for a Fiat in Bankruptcy.*

28. *On issuing of Fiats, Companies to be subject to the Provisions of the Acts for winding up the Affairs of Joint-stock Companies.*

29. *Sequestration of Estates of dissolved Scotch Railway Companies may be awarded.*

30. *As to new Railways by incorporated Companies.*

31. *Member against whom Judgment shall have been recovered to be repaid by Contribution from other Members, together with Costs.*

32. *After Dissolution of Company, no Action, &c. to be brought by any Attorney, &c. until one Month after Bill of Fees shall have been delivered. Courts may refer Bills for Taxation to Taxing Officers.*

33. *Interpretation of Act.*

34. *Act may be amended, &c.*

Whereas it is expedient to facilitate the dissolution of certain railway companies as hereafter mentioned, and to afford facilities for the winding up the concerns of such companies: May it therefore please your Majesty, that it may be enacted, and be it enacted, &c., That when any persons or companies, before the passing of this act, shall have entered into any contract usually called a subscription contract, or any other agreement or agreements, in writing or otherwise, for the formation of a company or partnership for making any railway which cannot be carried into execution without obtaining the authority of Parliament, and in respect of which an act shall not before the passing of this act have been obtained, it shall be lawful for such persons or companies to dissolve the said

company or partnership, contract, or agreement, in manner hereinafter mentioned, and that whether or not such contract or agreement shall contain any powers or provisions for dissolution of the company or partnership intended to be thereby formed: Provided nevertheless, that nothing herein contained shall prevent any such persons or companies from exercising any such power or provision for dissolution in their contract or agreement contained, if they shall see fit, at any time before availing themselves of the powers in this act contained: Provided also, that the provisions of this act shall be taken to apply to any contract or partnership for the making any railway, notwithstanding that the agreement or partnership may relate to any other objects in connexion therewith; and (unless a separate capital and separate subscription shall exist as regards the different objects) then, on a dissolution under the provisions of this act, the dissolution shall extend to the whole objects of the contract or partnership.

2. That it shall be lawful for the committee, provisional directors, or other persons by such contract or agreement as aforesaid entrusted with the management and carrying into effect of the undertaking, and who are hereinafter called "the committee," to call a meeting of the shareholders for the purpose of determining whether the partnership or company so as aforesaid intended to be formed (and which is hereinafter called "the company") shall be dissolved; and that if such meeting shall determine, as after mentioned, that the company shall be dissolved, then, as from the date of the resolution come to at such meeting, the company shall be taken to be dissolved, and the committee shall not have power to proceed any further with the undertaking.

3. That it shall be lawful for any five shareholders, as after defined, by writing under their hands, to require the committee to call a meeting for the purpose aforesaid; and that if the committee shall refuse or neglect, for six days after any such requisition shall have been left at the registered place of business of the company, as regards England and Ireland, and, as regards Scotland, at the usual place of business, or shall have been served personally on any member of the committee, to call such meeting by notice as after mentioned, or if for any reason whatever such meeting shall not be convened and held in pursuance of the directions herein contained, it shall be lawful for any five shareholders to call such meeting; and after any such requisition shall have been left or served as aforesaid, it shall not be lawful for the committee or any of them to make any payments out of the monies of such company, except in discharge of bona fide debts or liabilities, or in performance of contracts or engagements, previously entered into, and in payment of the expenses of calling and holding such meeting or any adjourned meeting, nor to enter into any contracts or engagements on behalf of the company or affecting the property thereof, nor to issue any shares or scrip of or representing the capital stock of such company, until the meeting called as aforesaid shall have determined the question of dissolution.

4. That the meeting shall be held to have been duly called, although the votes of the parties calling the same, or any of such votes, shall be disallowed at the meeting by the scrutineers to be appointed as hereinafter mentioned.

5. That the calling of any such meeting shall be by notice, signed either on behalf of the committee by any one member of the same, or in case the meeting shall be called by the shareholders, then by the shareholders calling the same, such notice to be advertised in the London Gazette eight clear days and not more than fifteen days before the time to be therein fixed for holding such meeting, and also, within the before-mentioned limits as to time, in three London daily newspapers; that in the case of railways to be made in Ireland, the said notice shall also be advertised, within the before-mentioned limits as to time, in the Dublin Gazette and in two newspapers in common circulation in the city of Dublin; and as to railways to be made in Scotland, the said notice shall also be advertised, within the before-mentioned limits as to time, in the Edinburgh Gazette, and in two newspapers in common circulation in the city of Edinburgh.

6. That every notice of meeting shall specify the day, hour, place, and purpose of meeting; and the parties entitled to be present at such meeting shall be the persons producing the shares, scrip, or receipts hereinafter defined, or the proxies after mentioned.

7. That every meeting so called shall elect a chairman within

one hour of the time appointed for holding such meeting, and that the person to be in the chair at every such meeting shall be some member of the committee, to be elected by a majority of the members of the committee present at the meeting, and in case the votes of the members of the committee present shall be equally divided, or if from any cause there shall be no member of the committee so elected, then some shareholder entitled to vote shall be elected by the meeting; and every person present, either in respect of shares or of a proxy, shall have one vote only for the election of the chairman and scrutineers; and every chairman shall have a casting vote, in addition to any other vote which he may be entitled to; and if any chairman shall refuse to give his casting vote on the question of dissolution or bankruptcy as after mentioned, the question shall be considered as carried in the affirmative for dissolution or bankruptcy.

8. That the chairman at every such meeting shall be bound to put to the meeting any question proposed for the dissolution of the company, or as to the bankruptcy thereof, and also as to the election of scrutineers, and that no business shall be transacted at any such meeting other than the consideration of any question so proposed, and the election of a chairman and scrutineers.

9. That immediately after the election of a chairman the meeting shall proceed to elect as scrutineers three shareholders in the company, whose business it shall be to verify as after mentioned, and take the votes of the shareholders entitled to vote, and cast up and declare the same; and the decision in writing of them, or of any two of them, shall be final in all respects.

10. That in case it shall be discovered by or shewn to the scrutineers that the chairman at any meeting is not entitled to vote as a shareholder, it shall be lawful for the meeting either to elect a new chairman or to maintain such existing chairman, but such chairman so maintained in office shall not thereby acquire the right of voting as a shareholder, or of giving a casting vote; and in case the votes shall be equally divided the resolutions shall be considered as carried in the affirmative for the dissolution and as to the bankruptcy of the company: Provided always, that all votes, acts, and deeds by any chairman not entitled to vote, or by the meeting presided over by him, given or done before the discovery of his not being so entitled, or given afterwards if he be so maintained, shall be valid and effectual; and, as regards the election of chairman and scrutineers by the votes of the parties present, and producing scrip or proxies, no objection after the election shall be made on its being shewn that they were not entitled to be present.

11. That at any such meeting as aforesaid, in the event of the prescribed quorum after mentioned not being present and voting at such meeting, then the chairman shall cause the votes of the persons constituting the said meeting to be taken and recorded, and shall then adjourn the same to be held at the same place, and at a day to be declared by the chairman, each day not being less than three days and not more than one week from the original day of meeting, such day and time of meeting in the meantime, as regards any meeting held in any part of England, being advertised twice in each of three London daily newspapers, and in the case of a meeting held at Edinburgh twice in two Edinburgh newspapers, and in the case of a meeting held in Dublin twice in two Dublin newspapers, and at such adjourned meeting the votes of such persons constituting the same as had not voted at the original meeting shall be taken and recorded, and the total amount of votes given at the original and adjourned meeting shall be received as if given at one and the same meeting.

12. That the only persons entitled to be present and vote at any such meeting as shareholders, by themselves or proxies, shall be those persons who shall, for the time being, be in possession of and produce certificates or receipts declaring parties entitled to shares in any company, or acknowledging the receipt of a deposit in such company, usually termed "scrip" or "receipts" for deposits on shares; and that, notwithstanding the party in possession may not be the party to whom the same was originally granted, or that the same may not have been legally assigned to the party in possession, or notwithstanding the same may be possessed by the holder as a mere mortgagee, or in any other manner, or the same may be subject to any charge or lien, and which parties are, by this act, called "shareholders:" provided that nothing herein contained shall authorise more than one vote, either for dissolution or



bankruptcy, to be given in respect of the same share, notwithstanding any transfer or delivery of such share after a vote shall have been given in respect thereof.

13. That every shareholder shall, in voting on the questions of dissolution and bankruptcy, be entitled to one vote, by himself or proxy, in respect of every share held by him, or in respect of which scrip or receipts may have been issued, or deposits paid; and that all shareholders producing such shares, scrip, or receipts shall be entitled to attend meetings and to appoint proxies according to the form contained in the Schedule hereto annexed, or in some form to the like effect: Provided always, and be it enacted, that the fact of any such party attending any such meeting shall not in anywise increase or alter, either in law or equity, his rights or liabilities.

14. That the appointment of any such proxy shall be signed by the party appointing the same before a Master or Master Extraordinary of the Court of Chancery in England or Ireland, or a justice of the peace in England or Ireland, or before a sheriff or sheriff-substitute, or justice of the peace in Scotland, or, where such shares, scrip, or certificate shall be in possession of any parties beyond seas, the said proxy shall be signed as aforesaid before any of her Majesty's consuls or vice-consuls, or a notary public; and that, on signing the same, the share, scrip, or receipt in respect of which the proxy is intended to be appointed shall be produced to the Master, justice, sheriff, sheriff-substitute, consul, vice-consul, or notary public; and the number of the shares, or the number of shares referred to in such scrip or receipt, and the name of the company, shall be ascertained and verified, with the number and name of the company stated in the appointment of proxy, before such Master, sheriff, sheriff-substitute, justice, consul, vice-consul, or notary public.

15. That, to constitute a meeting under the provisions of this act for the purpose of deciding on a dissolution or bankruptcy, persons representing at least one third part of the shares in the undertaking actually issued or given, either as shares, scrip, or receipts, must be present and vote; and that, for the purpose of effecting a dissolution, and as to bankruptcy, there must be either a majority of the votes of the whole scrip of the company issued as aforesaid, or at least three-fifths of the votes of persons present and voting, either as shareholders or proxies, in favour of the motion for dissolution and for the bankruptcy, if so resolved on.

16. That the chairman at every such meeting shall sign a minute of the proceedings, and that every minute so signed shall be advertised within the shortest possible time in the same papers as those in which notice of the original meeting is heretofore required to be given; and a copy of the London Gazette containing the advertisement of such minute shall be evidence of the meeting having been duly called and held, and of the resolutions recorded having been duly passed by the majorities therein mentioned; and such minutes shall be countersigned by at least two of the three scrutineers aforesaid; and that any party signing minutes false or incomplete in any material particular, or any person who shall insert or cause to be inserted in the London Gazette any advertisement under the present clause, knowing the same to be false in any material particular, shall be guilty of a misdemeanour; and the minute directed to be advertised shall also be registered with the registrar of joint-stock companies, without any fee being chargeable for such registration.

17. That, as regards all projected railways as aforesaid, any portion of the intended line of which is situate in England or Wales, the meeting aforesaid may be held, as shall be specified in the notice calling the same, either in London or Westminster, or at the registered place of business of the company; or as regards any railways any portion of the intended line of which is situate in the counties of Lancaster or Chester, such meeting may be held at Manchester or Liverpool, notwithstanding that the registered place of business may not be at either of such places; or as regards any railways any portion of the intended line of which is situate in the county of York, such meeting may be held at York or Leeds, notwithstanding that the registered place of business may not be at either of such places; that, as regards railways situate in Ireland, the meetings may be held either in London or Dublin, or at the registered places of business, as shall be specified in the notice; and that, as regards railways situate in Scotland, the meetings may be held either in London or Edinburgh, or at the usual places of business, as shall be specified in the notice.

18. That no parties shall be entitled to vote, except in respect of scrip, receipts, or shares actually issued or given before the 31st day of March, 1846, and that the shares, scrip, or receipts actually issued or given, shall, for the purposes of this act, be taken to constitute the whole number of shares in the undertaking, although the contract may have provided that the undertaking shall consist of a greater number; and that, for the purpose of ascertaining the number of shares, scrip, or receipts actually issued or given, the committee of every projected railway company to which the powers given by this act apply, (except in regard to railways to be made in Scotland), shall, within twelve days after the passing of this act, be bound to send in unto the registrar of joint-stock companies a return in writing, under the hand of any member of such committee, specifying the number of shares, scrip, or receipts actually issued or given as aforesaid, the amount of each share, and of the deposit paid or to be paid thereon; and that, in case such return shall not be so sent in within the aforesaid period, every member of the committee shall forfeit a sum not exceeding 20*l.*, to be recovered in like manner as any penalty under the act intitled "An Act for the Registration, Incorporation, and Regulation of Joint-stock Companies," is recoverable.

19. That the registrar of joint-stock companies shall, within six days from the passing of this act, send to the registered place of business of every such company a notice in writing, under his hand, requiring such return to be made; but the omission to send any such notice by the registrar shall not exempt the committee of any such company from the penalties aforesaid; and every person shall be at liberty to inspect any returns made to the registrar, under this act, on payment of a fee of 2*s.* 6*d.*; and the certificate of the said registrar, under his seal of office, as to the total amount of the shares, scrip, or receipts, shall be evidence as to the amount specified in such return, and for such certificate a fee of 2*s.* 6*d.* shall be paid; and no proceedings at any meeting shall be invalidated by reason of any defect or error in such return, but any party making such return knowing it to be false shall be guilty of a misdemeanour.

20. That, in regard to projected companies for railways to be made in Scotland, the committee of every such company to which the powers given by this act apply, shall, within twelve days after the passing of this act, be bound to lodge with the sheriff clerk of the shire of Edinburgh a return in writing, under the hand of a quorum of such committee, or of every member thereof, specifying the number of shares, scrip, or receipts actually issued or given as aforesaid, the amount of each share, and the deposit paid or to be paid thereon; and that, in case such return shall not be lodged within the aforesaid period, every member of such committee shall forfeit a sum not exceeding 20*l.*, to be recovered by summary petition to the court of session at the instance of the said sheriff clerk.

21. That the said sheriff clerk shall, within six days after the passing of this act, cause to be published in the Edinburgh Gazette, and in two newspapers in common circulation in the city of Edinburgh, a notice by him requiring such returns to be made; and every person shall be at liberty to inspect any returns made to the sheriff clerk; and no proceeding at any meeting shall be invalidated by reason of defect or error in any such return; but any party making such return knowing it to be false shall be held to be guilty of falsehood and fraud, and shall be liable to prosecution and punishment accordingly; and the necessary expenses of the sheriff clerk, in regard to such returns and notices, shall be paid by the several committees making or bound to make returns, and shall be recovered in such amount from each of such committees as the sheriff of the shire of Edinburgh shall, by a writing under his hand, fix and determine.

22. Provided always, that if, by any reason whatever, such return of the number of shares, scrip, or receipts actually issued, shall not be made within one calendar month from the passing of this act, then a meeting may be called and held, under the provisions of this act, and may resolve on dissolution or bankruptcy, as by this act is provided, if persons representing shares, as before defined, equal to at least one-third part of the whole capital of the undertaking are present and vote; and any such meeting shall have the same powers as before conferred on a meeting representing one-third of the shares actually issued as aforesaid.

23. That, in addition to the question of dissolution, it shall be imperative on the meeting to decide whether such dissolution shall or shall not be taken to be an act of bankruptcy, for the purpose of having the affairs of the company wound up, under the provisions of the act after mentioned; but this provision shall not extend to the case of railways to be made in Scotland.

24. That, in case the meeting shall resolve that the affairs of the company shall not be so wound up, or in the case of a railway to be made in Scotland, if the majority shall resolve in favour of dissolution, then (subject to the power hereinafter given to the committee and to creditors of the company to petition for a fiat) the affairs of the said company shall be wound up, according to the rules applicable to the dissolution of partnership undertakings, and as if the undertaking had been dissolved by mutual consent.

25. Provided always, that the resolution to dissolve the company, or the actual dissolution thereof, shall not alter or affect the rights of creditors or other persons not being shareholders in the company, nor any engagements whatsoever which the committee may have entered into, and shall not affect any suits pending before the passing of this act.

26. That where any meeting called to consider the question of dissolution shall have determined the question of the dissolution of the company in the negative, no new meeting shall be called to consider the question of dissolution, or any matter relating thereto, until the lapse of six months from the day in which the question was last resolved in the negative.

27. That it shall be lawful for any three of those who were of the committee of any company so dissolved, at any time after the dissolution thereof shall have been resolved, or for any creditor or creditors of such company to such amount as is now by law requisite to support a fiat in bankruptcy in England and Ireland, or a sequestration in Scotland, within three months after the dissolution thereof shall have been resolved, to petition that a fiat in bankruptcy may issue against such company if in England or Ireland, or that the estates of the company may be sequestrated if in Scotland.

28. That, upon the production of a copy of the London Gazette containing the resolution of any such meeting as aforesaid, whereby it shall be resolved that the dissolution of the company shall be an act of bankruptcy, or upon the petition of any three of the committee as aforesaid, or of any creditor under the last preceding clause, a fiat in bankruptcy shall issue against such company by the registered name or style of such company; and the company shall thereupon be deemed to be within the provisions of an act passed in the 7 & 8 Vict. [c. 111], intitled "An Act for facilitating the winding-up of Joint-stock Companies unable to meet their pecuniary Engagements;" and of another act passed in the 8 & 9 Vict. [c. 98], intitled "An Act to facilitate the winding-up of Joint-stock Companies in Ireland unable to meet their pecuniary Engagements," in all respects as if a fiat in bankruptcy had issued against it under the said act before its dissolution; but this last provision not to extend to Scotland.

29. That if the company be a company for making a railway or railways in Scotland, sequestration of the estates of such company shall be awarded on petition for sequestration in common form presented in name of any three of the committee, or of any creditor or creditors of such company to such amount and on such evidence of debt or debts of such creditor or creditors as is now by law requisite for obtaining sequestration of the estates of any company liable to sequestration, there being always produced along with the petition for sequestration a copy of the London or Edinburgh Gazette containing the resolution whereby the dissolution of the company shall have been resolved upon; and such sequestration, being so awarded, shall be followed out, in regard to the election of an interim factor and trustee and commissioners, and in regard to the proof and ranking of debts, the recovery and distribution of the estate, and all other matters necessary thereto, in the same manner and by the same course of procedure, as nearly as may be, as is by law provided in cases of sequestration of the estates of trading companies in Scotland: Provided always, that such sequestration shall not extend to or affect the estates of the individual partners of the company, nor preclude the rights or remedies otherwise competent by law to the creditors of such company against the individual partners thereof, or the estates of such individual partners.

30. That when any company for making any railway, actually incorporated before the passing of this act, shall have agreed to form any new or other railway, or an extension thereof, and in respect of which a new or further capital shall have been agreed to be raised or contributed, and shares as hereinbefore defined shall have been issued or otherwise appropriated, and deposits paid thereon, then such company or partnership (as regards the new undertaking) shall in all respects be considered as a company or undertaking within the provisions of this act; and meetings shall be held, and shareholders entitled to shares as aforesaid in the new undertaking shall in manner hereinbefore provided have power to dissolve such new undertaking, and to decide as to bankruptcy, in all respects as is provided with regard to the companies hereinbefore mentioned or defined.

31. That where the dissolution of a company shall have been resolved under this act, if judgment shall have been recovered, or shall afterwards be recovered, in any action against any member of the committee for any debt due from such company or from such committee in respect of the undertaking, the member against whom such judgment shall have been recovered shall be entitled at law to a contribution from each of the other members of such committee towards the payment of the monies recovered by such judgment, and of all costs and expenses in relation thereto, of such a share of the whole amount of such monies, costs, and expenses as would have been borne by such respective member upon an equal contribution by all the members of such committee, and may recover the contributions to which he may be so entitled, or any of them, by action or actions of debt or on the case against all or any of such other members of such committee, but so that no such member shall be liable in any such action as aforesaid for more than the share to which he shall respectively be liable to contribute under this provision.

32. That, after the dissolution of any company shall have been resolved under this act, no action or suit shall be brought for the recovery of any fees, charges, or disbursements for any business done for such company by any attorney or solicitor, whether in his character of attorney or solicitor, or as agent or otherwise, until the expiration of one calendar month after a bill of such fees, charges, and disbursements, signed by the claimant, shall have been delivered to the committee or official assignee authorised to wind up the affairs of such company, or left at their or his place of business; and it shall be lawful for the Court of Queen's Bench, Common Pleas, or Exchequer, or any judge of either of such courts, and they are respectively hereby required, on the application of such committee, or of such official assignee, to refer such bill to be taxed and settled by any taxing officer of the court in which such reference shall be made; and the court or judge making such reference shall restrain the claimant from commencing any action or suit touching his demand, pending such reference, and such taxing officer may take such evidence in relation to such bill as he may think fit; and the costs of such reference shall be paid according to the event of such taxation, that is to say, if such bill, when taxed, be less by a sixth part than the bill delivered, then the claimant shall pay such costs; and if the bill, when taxed, shall not be less by a sixth part than the bill delivered, then the party on whose application the reference shall have been made shall pay such costs, to be considered and allowed nevertheless as part of the costs, charges, and expenses of executing the trusts and powers of this act; and every order to be made for such reference shall direct the officer to whom such reference shall be made to tax such costs of such reference to be so paid as aforesaid, and to certify what, upon such reference, shall be found to be due to or from such claimant in respect of such bill, and of the costs of such reference, and, after such reference as aforesaid, no further or other sum than shall be so found due shall be recoverable in respect of such bill.

33. That the following words and expressions shall have the meanings hereby assigned to them respectively, so far as such meanings are not excluded by the context or subject-matter; (videlicet),

The word "month" shall mean calendar month;  
The word "person" shall include corporations.

34. That this act may be amended, altered, or repealed by any act to be passed in this session of Parliament.

## SCHEDULE TO WHICH THIS ACT REFERS.

*Form of Proxy.*

——— Railway Company.

Proxy to vote in respect of ——— shares.

I, A. B., ———, of ———, holder of ——— shares [or "scrip," or "receipts for shares," (as the case may be),] numbered respectively [here insert the numbers, unless the shares, scrip, receipts, or letter do not shew the denoting numbers], in the ——— projected railway company, do hereby appoint C. D., ———, of ———, to be my proxy upon any matter relating to the dissolution or bankruptcy of the said company, to vote, dissent, and act as he shall think proper.

Witness my hand, the ——— day of ———.

Taken before me, having verified the numbers and name of the company with the documents produced to me,

(Signed)

And add whether,

"Master Extraordinary," "Sheriff,"  
"Sheriff-substitute," "Justice,"  
"Consul," "Vice-Consul," or  
"Notary Public."

## CAP. XXIX.

An Act for granting to her Majesty, until the 5th Day of August, 1846, certain Duties on Sugar imported into the United Kingdom. [3rd July, 1846.]

## CAP. XXX.

An Act to define the Notice of Elections of Members to serve in Parliament for Cities, Towns, or Boroughs in Ireland. [16th July, 1846.]

## CAP. XXXI.

An Act to settle an Annuity on Viscount Hardinge, and the Two next surviving Heirs Male of the Body of the said Viscount Hardinge to whom the Title of Viscount Hardinge shall descend, in consideration of his great and brilliant Services. [27th July, 1846.]

## CAP. XXXII.

An Act to settle an Annuity on Lord Gough and the Two next surviving Heirs Male of the Body of the said Lord Gough to whom the Title of Lord Gough shall descend, in consideration of his important Services. [27th July, 1846.]

## CAP. XXXIII.

An Act to amend the Laws relating to Corresponding Societies and the licensing of Lecture-rooms. [27th July, 1846.]

## CAP. XXXIV.

An Act to enable the Commissioners of her Majesty's Woods to construct a new Street from Spitalfields to Shoreditch. [27th July, 1846.]

## CAP. XXXV.

An Act to continue until the 31st Day of December, 1848, and to the End of the then next Session of Parliament, an Act of the Tenth Year of King George the Fourth, for providing for the Government of his Majesty's Settlements in Western Australia on the Western Coast of New Holland. [27th July, 1846.]

## CAP. XXXVI.

An Act to continue until the 1st Day of January, 1851, and to the End of the then next Session of Parliament, and to amend an Act for establishing an Office for the Benefit of Coalwhippers of the Port of London. [27th July, 1846.]

## CAP. XXXVII.

An Act to amend the Laws relating to the Office of Coroner and the Expenses of Inquests in Ireland. [27th July, 1846.]

(To be continued).

## London Gazette.

TUESDAY, SEPTEMBER 8.

## BANKRUPTS.

THOMAS COOKE, Bridge-terrace, Harrow-road, Paddington, Middlesex, plasterer, trader, dealer and chapman, Sept. 24 at 11, and Oct. 20 at half-past 12, Court of Bankruptcy, London: Off. Ass. Alsager; Sols. Willoughby & Jacquet, Clifford's-inn.—Fiat dated Sept. 3.

JOHN DITCHMAN, Thurlow-place, Hackney-road, Middlesex, builder, dealer and chapman, Sept. 25 and Oct. 27 at 11, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Overton & Hughes, 25, Old Jewry.—Fiat dated Sept. 2.

WILLIAM GEORGE BARLEY, Northampton, draper, dealer and chapman, Sept. 25 at 12, and Oct. 20 at 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Mardon & Pritchard, 99, Newgate-street, London.—Fiat dated Sept. 7.

RICHARD WALTON, Church-road, Battersea, Surrey, out of business, Sept. 17 at 11, and Oct. 20 at 12, Court of Bankruptcy, London: Off. Ass. Groom; Sol. Taylor, 3, Lothbury.—Fiat dated Aug. 17.

JOSEPH GRAHAM, Jewry-street, Aldgate, London, wholesale stationer, dealer and chapman, Sept. 22 at 2, and Oct. 20 at 11, Court of Bankruptcy, London: Off. Ass. Groom; Sol. Waller, jun., 24, Finsbury-circus, London.—Fiat dated Aug. 31.

FREDERICK ARNOLD, New Bond-street, Middlesex, Budge-row, London, and Perry-vale, Sydenham, Kent, stationer and perfumer, Sept. 25 at 1, and Oct. 20 at 2, Court of Bankruptcy, London: Off. Ass. Groom; Sol. Gell, 8, Regent-street, London.—Fiat dated Sept. 5.

EDWIN AUGUSTUS WILLIAM TAYLOR, Kirkgate, Bradford, Yorkshire, printseller, printer, and stationer, Sept. 22 and Oct. 15 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sols. Harle & Clarke, Leeds; Jones & Co., John-street, Bedford-row, London.—Fiat dated Sept. 2.

THOMAS DODSWORTH BROWNING, Bristol, cabinet maker, dealer and chapman, Sept. 24 at 1, and Oct. 22 at 2, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sols. W. and C. Bevan, Bristol.—Fiat dated Aug. 31.

THOMAS WRIGHT, Derby, cheese factor, (trading under the firm of John Wright & Co.), Sept. 24 and Oct. 24 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Smith, Derby; Reece, Birmingham.—Fiat dated Aug. 31.

BENJAMIN CARREG SOTHERN, Liverpool, coal dealer, Sept. 24 and Oct. 15 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sols. Todd, Liverpool; Kearns, Red Lion-square, Holborn.—Fiat dated Sept. 2.

CHRISTOPHER DICKINSON JOHNSON, Liverpool, victualler, Sept. 18 and Oct. 16 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Sols. Toulmin, Liverpool; Norris & Co., Bartlett's-buildings, Holborn, London.—Fiat dated Sept. 2.

JOHN BIRLEY, Lower Bentcliffe-mill, Eccles, Lancashire, card manufacturer, dealer and chapman, Sept. 21 and Oct. 14 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Barker, Manchester; Fisher & De Jersey, Aldersgate-street, London.—Fiat dated Sept. 2.

JOHN HIGNETT, Manchester, sack manufacturer, dealer and chapman, Sept. 21 and Oct. 14 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Norris, Manchester; Norris & Co., Bartlett's-buildings, Holborn, London.—Fiat dated Aug. 31.

JAMES TUCKETT, Exeter, herbalist and apothecary, dealer and chapman, Sept. 23 and Oct. 14 at 11, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. Terrell & Roberts, Exeter; Terrell, Gray's-inn-square, London.—Fiat dated Sept. 4.

## MEETINGS.

Randle Bower, Heyrod and Black Rock-mills, near Stalybridge, cotton spinner, Sept. 21 at 12, District Court of Bankruptcy, Manchester, last ex.—*Hen. Maryland*, Hazelgrove, within Bosden, Cheshire, silk throwster, Sept. 14 at 12, District Court of Bankruptcy, Manchester, last ex.—*John Knight*, Waterloo-house, Preston, Lancashire, mercer, Sept.

14 at 12, District Court of Bankruptcy, Manchester, last ex.—*Wm. Brook*, Manchester, and Goldsmith-street, London, stuff merchant, Sept. 15 at 12, District Court of Bankruptcy, Manchester, last ex.—*Robert Green*, Bristol, watchmaker, Sept. 28 at 11, District Court of Bankruptcy, Bristol, and. ac.—*Jas. Johnson*, Salford, Lancashire, timber merchant, Sept. 29 at 12, District Court of Bankruptcy, Manchester, and. ac.; Sept. 30 at 12, div.—*Jas. Waterhouse*, Salford, and *Robert Sutton*, Chesham, Manchester, calico printers, Sept. 29 at 12, District Court of Bankruptcy, Manchester, and. ac.; Sept. 30 at 12, fin. div. sep. est. of *R. Sutton*.—*Jos. Jobling Aytton*, South Shields, Durham, linendraper, Oct. 2 at half-past 10, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac.—*Richard Gill*, Richmond, Yorkshire, grocer, Oct. 2 at 11, District Court of Bankruptcy, Leeds, and. ac.; Oct. 3 at 11, fin. div.—*Thomas Henrey*, Liverpool, draper, Sept. 30 at 12, District Court of Bankruptcy, Liverpool, div.—*Duncan MacDougall*, Liverpool, factor, Sept. 30 at 11, District Court of Bankruptcy, Liverpool, div.—*John Lythgoe*, Liverpool, cooper, Sept. 30 at 11, District Court of Bankruptcy, Liverpool, div.—*John Morris*, Manchester, auctioneer, Sept. 22 at 12, District Court of Bankruptcy, Manchester, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on the Day of Meeting.*

*Thomas Ingham Rayner*, Birstal, Yorkshire, apothecary, Oct. 2 at 11, District Court of Bankruptcy, Leeds.—*Wm. Watts*, Doncaster, Yorkshire, millwright, Oct. 2 at 11, District Court of Bankruptcy, Leeds.—*Thos. Suger*, Kingston-upon-Hull, corn merchant, Oct. 7 at 10, Court of Bankruptcy, Kingston-upon-Hull.—*Matthew Hobson*, Great Grimsby, Lincolnshire, corn merchant, Sept. 30 at 10, District Court of Bankruptcy, Kingston-upon-Hull.—*Thos. Dolphin Weaver*, Liverpool, sharebroker, Sept. 30 at 11, District Court of Bankruptcy, Liverpool.—*Alex. Alexander* and *J. Alexander*, Exeter, opticians, Oct. 6 at 11, District Court of Bankruptcy, Exeter.—*John Parsons*, Wolverhampton, Staffordshire, edge tool manufacturer, Oct. 17 at 11, District Court of Bankruptcy, Birmingham.—*Jas. Slavery*, Manchester, warehouseman, Sept. 30 at 12, District Court of Bankruptcy, Manchester.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Sept. 29.*

*Richard Darek* and *Gastrell Watkins*, Upper Lisson-street, Middlesex, timber merchants.—*Thos. Jackson*, Salterhebble, Halifax, Yorkshire, worsted spinner.—*J. Fletcher Corbett*, Worcester, scrivener.—*Eli Soul*, Tabernacle-walk, Finsbury, St. Luke's, Middlesex, bookseller.

#### SCOTCH SEQUESTRATIONS.

*Alexander Dixon*, Kingston, Haddington, farmer.—*Robert Bridges*, North Berwick, engineer.—*J. Paton & Co.*, Glasgow, wine merchants.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*John Callen*, All Saints, Southampton, artist, Sept. 24 at 2, Court of Bankruptcy, London.—*W. Povey*, Maridian-place, Dockhead, Surrey, mariner, Sept. 19 at 12, Court of Bankruptcy, London.—*Thos. Edmonds*, Abingdon, Berkshire, cabinet maker, Sept. 18 at half-past 11, Court of Bankruptcy, London.—*Wm. Smith*, Shouldham-street, Bryanstone-square, Middlesex, coach maker, Sept. 19 at half-past 11, Court of Bankruptcy, London.—*George Martin*, Dover-place, New Kent-road, Surrey, clerk to a printer, Sept. 19 at 2, Court of Bankruptcy, London.—*David J. Henry*, Liverpool, civil engineer, Oct. 27 at 11, District Court of Bankruptcy, Liverpool.—*Th. George Williamson*, Houghton, Lancashire, tailor, Sept. 18 at 12, District Court of Bankruptcy, Manchester.—*Robert Brakell*, Blackburn, Lancashire, cotton piecer, Sept. 18 at 12, District Court of Bankruptcy, Manchester.—*Peter Gear*, Crazelownman, Tiverton, Devonshire, miller, Sept. 22 at 11, District Court of Bankruptcy, Exeter.—*Thos. Johnston*, Blackburn, Lancashire, out of business, Sept. 18 at 12, District Court of Bankruptcy, Manchester.—*Samuel Wharton*, Carlinghow, near Batley, out of business, Sept. 25 at 11, District Court of Bankruptcy, Leeds.—*Jas. Feather*, Midgholme,

Haworth, near Keighley, Yorkshire, worsted spinner, Sept. 25 at 11, District Court of Bankruptcy, Leeds.—*Wm. Goulden*, Leeds, Yorkshire, journeyman joiner, Sept. 25 at 11, District Court of Bankruptcy, Leeds.—*Joseph Waddington*, North Bierley, near Bradford, Yorkshire, bear seller, Sept. 25 at 11, District Court of Bankruptcy, Leeds.—*James Bell*, Naburn, Yorkshire, cordwainer, Sept. 23 at 11, Mansion-house, Kingston-upon-Hull.—*Richard Harrison*, Masham, Yorkshire, wool comber, Sept. 25 at 11, District Court of Bankruptcy, Leeds.—*W. Fawcett*, Brighouse, Halifax, Yorkshire, painter, Sept. 25 at 11, District Court of Bankruptcy, Leeds.—*Wm. Kirk*, Northgate, Market Weighton, Yorkshire, auctioneer, Sept. 23 at 11, Mansion-house, Hull.—*John Robert Goddard*, Diseworth, Leicestershire, labourer, Sept. 17 at 10, District Court of Bankruptcy, Birmingham.—*Francis Collins*, Hereford, attorney, Sept. 15 at 11, District Court of Bankruptcy, Birmingham.

*Saturday, Sept. 5.*

*The following Assignees has been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*Llewellyn Lewis*, Pantyrhaidd-mill, Conwil Elvet, Carmarthenshire, miller, No. 67,840 C.; *John Lewis*, assignee.

*Saturday, Sept. 5.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Joseph Aug. Levis*, Regent-sq., St. Pancras, Middlesex, clerk in the Crown Surveyor's Office: in the Queen's Prison.—*Joanna S. Kollman*, St. James's-palace, St. James's, Middlesex, organist: in the Debtors Prison for London and Middlesex.—*Jas. Roberts*, Islington-place, Park-road, Islington, Middlesex, cattle salesman: in the Debtors Prison for London and Middlesex.—*Geo. Jones*, Maddox-street, Regent-street, Middlesex, author: in the Queen's Prison.—*James Buck*, Little William-st., Caledonian-road, Islington, Middlesex, carpenter: in the Debtors Prison for London and Middlesex.—*Hen. Holloway*, Windsor-place, City-road, Middlesex, jobber in railway shares: in the Debtors Prison for London and Middlesex.—*John White*, Whetstone-park, Lincoln's-inn-fields, Middlesex, ostler: in the Debtors Prison for London and Middlesex.—*Wm. Davies*, St. Martin, Worcestershire, china potter: in the Gaol of Worcester.—*Sam. Rolph*, Cley-next-the-Sea, Norfolk, mariner: in the Gaol of Norwich.—*Wm. Storey*, St. Paul, Norwich, grocer: in the Gaol of Norwich.—*Jos. Stamp*, Kenton, Devonshire, labourer: in the Gaol of St. Thomas the Apostle.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Friday, Sept. 25, at 9.*

*John Macleod*, Manor-place, Chelsea, Middlesex, not in any trade.—*Wm. White*, Hoxton New-town, Middlesex, carpenter.—*Jas. Priesman*, Priest-bridge, Putney, and Barnes, Surrey, market gardener.—*Thos. Best*, Bedford-st., Covent-garden, Middlesex, artist.—*Hen. Holloway*, Church-street, Lambeth, Surrey, licensed victualler.—*Denis Hude*, Cripple-gate, London, plumber.—*Thos. Holliday*, Herbert-st., New North-road, Middlesex, out of business.—*Alf. Ceal*, Kingsland-road, Middlesex, out of employment.—*John F. Norfolk*, High-st., Clapham, Surrey, veterinary surgeon.—*Ed. Flowers*, Barnsbury-road, Islington, Middlesex, cheesemonger.

*Sept. 26, at the same hour and place.*

*Joseph Roberts* and *Thos. Roberts* the younger, York-st., Westminster, Middlesex, not in any business.—*John Smith*, Bayswater-road, Middlesex, licensed retailer of beer.—*Jonathan Hoggett*, Mile-end-road, Middlesex, stableman.—*B. J. Rebbeck* the younger, Twig-folly, Mile-end, Middlesex, out of business.—*Jas. Lathbury*, Aldgate High-street, Whitechapel, London, meat salesman.—*Chas. Leach*, Great Marlborough-st., Middlesex, furnishing ironmonger.—*John Myers*, Crutched-friars, London, out of business.—*Wm. Turner*, Eaton-square, Piccadilly, livery-stable keeper.—*Alphonse Duteil*, Foley-st., Portland-pl., Middlesex, lodging-house keeper.

#### INSOLVENT DEBTORS' DIVIDENDS.

*Edw. Tyler*, Exton, Rutlandshire, farmer, Hough's Oakham: 18s. 6d. in the pound.—*Benj. Shadgett*, Maidstone, general dealer, Case's, Maidstone: 6s. 4d. in the pound.

FRIDAY, SEPT. 11.

## BANKRUPTS.

HENRY SUTTON, Holland-crescent, Barrington-road, Brixton, Surrey, builder, Sept. 25 at 1, and Oct. 20 at 2, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Kaye, Surrey-st., Strand.—Fiat dated Sept. 5.

CHARLES PADDON, Charlotte-terrace, New-cut, Lambeth, Surrey, slop seller, dealer and chapman, Sept. 25 at 2, and Oct. 20 at 11, Court of Bankruptcy, London: Off. Ass. Groom; Sol. Lloyd, Milk-street, Cheapside.—Fiat dated Sept. 4.

GEORGE FREDERICK TOWN FOWLER, Lillington-street, Pimlico, Middlesex, printer and publisher and newspaper proprietor, Oct. 1 at 11, and Oct. 27 at 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Browne, Walbrook.—Fiat dated Sept. 9.

JAMES PERKINS, Wenlock-street, Hoxton, Middlesex, cheesemonger, Sept. 25 at half-past 2, and Oct. 27 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Ashley, Shoreditch.—Fiat dated Sept. 5.

PETER FLITTON, Barley, Hertfordshire, boot and shoe maker, dealer and chapman, Sept. 25 at 11, and Oct. 20 at half-past 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Bardett, Saffron Walden, Essex; Bronckhorst, Basinghall-st., London.—Fiat dated Aug. 31.

MICHAEL SHACKLETON, Manchester, letter-press printer, dealer and chapman, Sept. 23 and Oct. 13 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Parry, Manchester: Perkins, Regent-square, Gray's-inn-road, London.—Fiat dated Sept. 5.

HENRY COPNER, Ludlow, Shropshire, mercer and draper, dealer and chapman, Sept. 22 and Oct. 15 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Sale & Co., Manchester; Reed & Langford, Friday-street, London.—Fiat dated Sept. 3.

THOMAS MORRIS, Newcastle-in-Emlyn, Carmarthenshire, linen and woollen draper and grocer, Sept. 29 and Oct. 27 at 12, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sol. Leman, Bristol.—Fiat dated Aug. 28.

THOMAS BARRETT, Haem-mills, Stroud, Gloucestershire, general wood turner, dealer and chapman, Sept. 21 and Oct. 27 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sols. Phipps, Gloucester; W. & C. Bevan, Bristol.—Fiat dated Sept. 5.

EDWARD BOAZ SMITH, Scarborough, Yorkshire, timber merchant, (heretofore carrying on business at Scarborough as a timber merchant and sawyer, under the name of Smith & Edwards), Sept. 24 and Oct. 16 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Kynaston; Sols. Sandersen, Leeds; Rushworths, Staple-inn, London.—Fiat dated Sept. 5.

JOHN HARDY, Castle Donington, Leicestershire, cattle dealer, maltster, dealer and chapman, Sept. 17 and Oct. 20 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Smith, Birmingham; Scott & Taborin, 22, Lincoln's-inn-fields, London.—Fiat dated Aug. 31.

EDWARD PHILPOT, Ludlow, Shropshire, timber dealer, Sept. 29 and Oct. 15 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sol. Wright, Birmingham.—Fiat dated Sept. 2.

HENRY DEVERILL, Stoke-upon-Trent, Staffordshire, and Congleton, Cheshire, corn factor, dealer and chapman, Sept. 29 and Oct. 15 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sols. Motteram & Knowles, Birmingham.—Fiat dated Sept. 1.

THOMAS WARD, Nottingham, maltster, Sept. 22 and Oct. 20 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. James, Birmingham; Cann, Nottingham.—Fiat dated Sept. 7.

WILLIAM GRIBBON, Leeds, Yorkshire, dealer in glass and china, dealer and chapman, Sept. 24 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. J. & J. E. Upton, Leeds.—Fiat dated July 1.

## MEETINGS.

Fred. Butler, Stafford, ironmonger, Oct. 13 at 10, District Court of Bankruptcy, Birmingham, last ex.—William Gill, Warrington, Lancashire, corn merchant, Sept. 25 at 12, District Court of Bankruptcy, Manchester, last ex.—Geo. Hat-terley, Sheffield, Yorkshire, fender manufacturer, Oct. 9 at

11, District Court of Bankruptcy, Sheffield, aud. ac. and div.—John Scott, Sheffield-moor, Sheffield, Yorkshire, flour dealer, Oct. 9 at 11, Town-hall, Sheffield, Yorkshire, aud. ac. and div.—Rich. Goodridge, Exeter, baker, Oct. 6 at 11, District Court of Bankruptcy, Exeter, aud. ac.—James Blackett, Stokesley, Yorkshire, flax spinner, Oct. 6 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—Robert Bone, Durham, grocer, Oct. 6 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—Thos. Snaith and Geo. Snaith, Bishop Auckland, Durham, iron-mongers, Oct. 6 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.

## CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

Chas. Wm. Graham, King's Arms-yard, Coleman-street, London, merchant, Oct. 3 at half-past 12, Court of Bankruptcy, London.—Wm. Groves, Huntingdon, grocer, Oct. 3 at 12, Court of Bankruptcy, London.—John Wgatt, Ockham, Surrey, common brewer, Oct. 3 at 1, Court of Bankruptcy, London.—George Freeman, Croydon, Surrey, grocer, Oct. 3 at half-past 11, Court of Bankruptcy, London.—W. Green, Dorset-place, Dorset-square, Middlesex, boarding-house keeper, Oct. 3 at 11, Court of Bankruptcy, London.—Wm. Hunt, High-st., Mary-le-bone, Middlesex, printer, Oct. 3 at half-past 10, Court of Bankruptcy, London.—Geo. Baxter, Church-st., St. George's, Southwark, Surrey, carrier, Oct. 3 at 10, Court of Bankruptcy, London.—Robert Bone, Durham, grocer, Oct. 6 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne.—Thos. Edwards, Llanisainfruid, Montgomeryshire, surgeon, Oct. 2 at 11, District Court of Bankruptcy, Liverpool.—John Scott, Sheffield-moor, Sheffield, Yorkshire, flour dealer, Oct. 9 at 11, Town-hall, Sheffield.—Wm. Sudlow, Liverpool, warehousekeeper, Oct. 6 at 11, District Court of Bankruptcy, Liverpool.—Jos. Carne the younger, Falmouth, Cornwall, grocer, Oct. 6 at 11, District Court of Bankruptcy, Exeter.—Wm. Geo. Wale Taylor, Tywadreath, Cornwall, surgeon, Oct. 6 at 11, District Court of Bankruptcy, Exeter.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Oct. 2.

Sidney Smith, Redminster, Bristol, grocer.—Jas. Buttrely, Manchester, commission-agent.—John Evans, High-street, Shoreditch, Middlesex, cheesemonger.—J. T. Blurton, Piccadilly, Middlesex.—Emj. Kent, Rotherville, Kent, lodging-house keeper.

## SCOTCH SEQUESTRATIONS.

W. Turnbull, Airdrie, seacher.—W. Dickson, junior, Glasgow, wine merchant.—Charles Shanks & Co., Glasgow, commission agents.—John Mc Cleish, West Church, Maryfield, Edinburgh, surgeon.

## INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

John Wilson, High-street, Stoke Newington, Middlesex, foreman to a furniture dealer, Sept. 24 at 2, Court of Bankruptcy, London.—Philip Rawlinson, Frederick's-place, Mile-end-road, Middlesex, mercantile clerk, Sept. 24 at 2, Court of Bankruptcy, London.—John B. King, Old Broad-street, London, carpenter, Sept. 24 at 2, Court of Bankruptcy, London.—Charles Kerrison, Hyde, Cheshire, provision shop-keeper, Sept. 22 at 12, District Court of Bankruptcy, Manchester.—James Robson, Newcastle-upon-Tyne, furniture broker, Oct. 2 at half-past 10, District Court of Bankruptcy, Newcastle-upon-Tyne.—Joseph Austen, Exeter, farrier, Sept. 23 at 11, District Court of Bankruptcy, Exeter.—J. Coombe, Weston-super-Mare, Somersetshire, butcher, Oct. 6 at 11, District Court of Bankruptcy, Bristol.—Jacob Sergeant, Trowbridge, Wiltshire, cabinet maker, Sept. 29 at 11, District Court of Bankruptcy, Bristol.—James Testin, Cheltenham, Gloucestershire, lodging-house keeper, Sept. 28 at half-past 1, District Court of Bankruptcy, Bristol.

Wednesday, Sept. 9.

Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—

(On their own Petitions).

Wm. Gosling, St. George's-place, Back-road East, St. George's East, Middlesex, dealer in artificial flowers: in the

Debtors Prison for London and Middlesex.—*W. H. Simpson*, Bedford-place, Commercial-road East, Middlesex, auctioneer: in the Debtors Prison for London and Middlesex.—*Joseph Smith*, Bolingbroke-street, Battersea, Surrey, carman to a manufacturing chymist: in the Gaol of Surrey.—*Hugh Boyle*, Egham, Surrey, common brewer: in the Gaol of Surrey.—*Thomas Plumley*, King's-road-wharf, Reading, Berkshire, sculptor: in the Gaol of Reading.—*William Sully* the younger, Bridgewater, Somersetshire, builder: in the Gaol of Wilton.—*John Barton*, Preston, Lancashire, hosier: in the Gaol of Lancaster.—*Sarah Anne Jenkinson*, Birmingham, out of business: in the Gaol of Coventry.—*James Arthur*, St. Neot, Cornwall, grocer: in the Gaol of Bodmin.—*Thomas Avera*, Solihull, Warwickshire, labourer: in the Gaol of Warwick.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Monday, Sept. 28, at 9.*

*James Scott*, Tabernacle-walk, Finsbury, Middlesex, out of business.—*J. Taylor*, Pall-mall, Middlesex, picture dealer.—*John Tinsley*, Roll's-buildings, Middlesex, attorney at law.—*John Woods*, Holiday-yard, Creed-lane, Ludgate-hill, London, out of business.—*James Johnson*, Spring-grove, Wandsworth-road, Surrey, journeyman millwright.—*Wm. Norton*, Fenny-bridge, Kirkheaton, near Huddersfield, Yorkshire, out of business.

*Sept. 29, at the same hour and place.*

*W. Wilks*, Manor-st., Chelsea, Middlesex, out of business.—*R. Snelgrove*, Camomile-st., Bishopsgate, London, account book manufacturer.—*Henry Snelgrove*, Upper Clifton-street, Finsbury, Middlesex, account book manufacturer.—*Watson Vredenburg*, Mount-street, Grosvenor-square, Middlesex, barrister at law.—*George Summerhays Henley*, Victoria-gardens, Grove-road, Mile-end-road, Middlesex, beer-shop keeper.—*Wm. Blount*, Turnmill-street, Clerkenwell, Middlesex, milkman.—*Joanna Sophia Kollmann*, St. James's, Middlesex, organist.

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Printed by *WALTER McDOWALL*, PRINTER, residing at No. 4, Pemberton Row, Gough Square, in the Parish of St. Bride, in the City of London, at his Printing Office, situate No. 5, Pemberton Row aforesaid; and Published at No. 3, CHANCERY-LANE, in the Parish of St. Dunstan in the West, in the City of London, by *HENRY SWEET*, LAW BOOKSELLER and PUBLISHER, residing at No. 11, John Street, Bedford Row, in the County of Middlesex. Saturday, September 12, 1846.

# The Jurist

No. 506—VOL. X.

SEPTEMBER 19, 1846.

PRICE 1s.

\* \* *The following are the Names of the Gentlemen who favour THE JURIST with Reports of Cases argued and decided in the several Courts of Law and Equity:—*

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LONDON, SEPTEMBER 19, 1846.

ENGLISH lawyers have often been reproached, and, we must confess, not without reason, for their too exclusive study of their own legal system, and inattention to, or, it may almost be said, ignorance of the laws of other countries, and the general principles of jurisprudence. In this respect they are certainly far behind their continental and American brethren. For instance, the subject of international law has never been systematically treated of by any English writer, and, prior to the time of Lord Hardwicke and Lord Mansfield, was almost unknown in our courts. Nor until the recent establishment by the Middle Temple of the Lectureship on Jurisprudence and Civil Law has it apparently ever been regarded as forming a necessary part of the education of an English advocate. Lately, indeed, Mr. Burge, in his valuable Commentaries on Colonial and Foreign Law, has discussed many of its topics, but this only in connexion with the main object of his work. And it is remarkable, that, in a country possessing a colonial empire so extensive, and governed by so great a variety of laws, a work of even that character should have been so long wanting.

It will probably be new, therefore, to many of our readers, to discuss one of the first principles of international law, viz. that by which the force and obligation that ought to be given in any country to the laws of foreign states are to be determined. Its first and most general maxim or proposition is, that every nation possesses an exclusive sovereignty and jurisdiction within its own territory. And its laws affect and bind directly all property, whether real or personal, within its territory, and all persons who are resident within it, whether natural-born subjects or aliens, and also all contracts made and acts done within

it\*. Another maxim or proposition is, that no state or nation can by its laws directly affect or bind property out of its own territory, or bind persons not resident therein, whether they are natural-born subjects or others. This, indeed, is truly said, by the author above quoted, to be a natural consequence of the first proposition, for it would be wholly incompatible with the equality and exclusiveness of the sovereignty of all nations, that any one nation should be at liberty to regulate either persons or things not within its own territory. If nations had no intercourse with each other, and it did not happen that contracts, marriages, testaments, and successions to intestates' estates are common among persons belonging to countries whose laws are different and even opposite on the same subjects, there would be no occasion to seek for the third maxim or proposition, which is the foundation of international law. But, as this is not the case, and as, for instance, a contract, valid by the laws of the country where it is made, is often sought to be enforced in another country by the laws of which it is positively prohibited, or a marriage may be contracted in a country the laws of which require the parties to have arrived at the age of twenty-one years, which they have, but one of them is the subject of a country whose laws require the contracting parties to be of the age of twenty-five years, we are driven to seek for rules to govern such cases:—to determine, in the former instance, whether the contract can be enforced; in the latter, whether the marriage is valid, and, if so, whether only where it is celebrated, and not in the other country, or, generally, in all countries. We have therefore to inquire, what are the principles upon which the laws of one country have any force or obligation in another.

The continental jurists have attempted to find these

\* Story's Conflict of Laws, ch. 2, § 18.



in the nature of the laws themselves. They have divided statutes (by which term is meant not the positive legislation which, with us, is known by that name, but the whole municipal law of the particular state) into three classes: personal, real, and mixed. "Personal statutes are those which have principally for their object the person, and treat only of property incidentally, such as those which regard birth, legitimacy, freedom, the right of instituting suits, majority as to age, incapacity to contract, to make a will, to plead in proper person, &c. Real statutes are those which have principally for their object property, and which do not speak of persons except in relation to property; such as those which concern the disposition which one may make of his property, either while he is living or by testament. Mixed statutes are those which concern at once persons and property." Personal statutes were held by them to be of general obligation and force everywhere, and real statutes to have no extra-territorial force or obligation. Mixed statutes, though nominally forming a separate class, appear to have been dealt with according to the predominancy of the real or personal quality. But, in the application of this classification to particular cases, there has been much diversity of opinion even amongst those who have adopted it; and, notwithstanding their ability, they have failed in fixing any certain principles. Indeed, the doctrine that the real or personal quality of a law ought to determine whether it should have authority or not beyond the territory of the state to which it belongs, is probably more fanciful than sound. The maxim or proposition laid down by Huberus, in his *Treatise De Conflictu Legum*, and adopted by Mr. Justice Story, is, that, whatever force and obligation the laws of one country have in another depend solely upon the laws and municipal regulations of the latter, that is to say, upon its own proper jurisprudence and polity, and upon its own express or tacit consent; but the difficulty is to ascertain by what principles this consent, express or tacit, is to be regulated. As to these, the axiom of Huberus is, that the rulers of every empire, from comity, admit that the laws of every people in force within its own limits ought to have the same force everywhere, so far as they do not prejudice the powers or rights of other governments, or of their citizens\*. And this has been adopted by Mr. Justice Story in his excellent work, who says, "There is, then, not only no impropriety in the use of the phrase, 'Comity of nations,' but it is the most appropriate phrase to express the true foundation and extent of the obligation of the laws of one nation within the territories of another. It is derived altogether from the voluntary consent of the latter, and is inadmissible when it is contrary to its own policy or prejudicial to its interest."† It has, however, been objected to by some writers. They have thought that the term "comity" is not sufficiently expressive of the obligation of nations to give effect to foreign laws, when they are not prejudicial to their own rights and interests,—that it is too general and vague to be the foundation of a perfect right or compulsory law; and they have sought to rest the obligation upon

a higher principle,—a paramount moral duty, which would, in certain cases, justify the use of physical force. This objection has been stated by Dr. Schöffner, in a work published in 1841, at Frankfort-on-the-Main, intitled "*Entwicklung des Internationalen Privatrechts*," (Development of Private International Law), and will probably become the subject of much discussion among jurists.

We have observed that the distinctions of the continental jurists as to the personality and reality of laws do not of themselves furnish a foundation for their force or obligation in foreign countries; but they may be useful guides in the exercise of the *comitas gentium*,—the voluntary consent,—if that be the real foundation; or in the ascertaining the dictates of the paramount moral duty, if that should be adopted. And in this way they have been used in a very learned work published at Paris in 1843, intitled "*Traité du Droit International Privé, ou du Conflit des Lois des différentes Nations en Matière de Droit Privé*:" by Dr. Félix. And, probably, in this point of view, the researches of the jurists of the seventeenth and eighteenth centuries will be found of the utmost value; and, in a matter which, whether we adopt the comity of nations or the paramount moral duty, seems incapable of being settled on certain principles, and to admit, in the application of its rules to particular cases, of great diversities of opinion, will furnish us with the best means of determining to what extent, and in what cases, the laws of a foreign country ought to be regarded.

In the application of these rules to particular cases of conflict of laws, there is much to interest legal minds; and, having thus adverted to the subject, we shall in some future Number prosecute it further.

### Correspondence.

TO THE EDITOR OF "THE JURIST."

Sir,—The judgment in the case of *Lowe v. Steele* (15 Law Journ., N. S., Exch., 244) must have excited considerable surprise in the profession, because it, in effect, repeals a portion of an act of Parliament. The Law Amendment Act authorised the judges, from time to time, to make rules for alterations in the mode of pleading, &c., and such rules were to be laid before Parliament six weeks before they began to operate. Certain rules were accordingly made, and laid before Parliament for the time specified, after which they became part of the act of Parliament.

The 21st section of that act declares, that it shall be lawful for the defendant, in all personal actions, (except actions for assault, &c.), to pay into court a sum of money, by way of compensation or amends, in such manner and under such regulations, as to the payment of costs and the form of pleading, as the judges, or eight or more of them, shall, by any rules or orders by them to be from time to time made, order and direct. Under this section, the Reg. Gen., H. T., 4 Will. 4, were promulgated, and r. 17 prescribed the form of the plea of payment of money into court, which was to be as near as may be in the form there given, *mutatis mutandis*. Now that form, so far as concerns the subject of this letter, is on all fours with the one given by the Reg. Gen., T. T., 1 Vict. This latter form is copied, without an observation on the point in question, into all the books of practice and of pleading, and, being a statutory rule, ought, in my humble opinion, to have been upheld in

\* Lib. 1, tit. 3, De Conflictu Legum.

† Conflict of Laws, c. 2, s. 39.

the present case. We may, I think, reasonably infer that the collective wisdom of the judges in framing, and the Legislature in sanctioning this rule, have used terms sufficiently comprehensive to meet the objection made by Mr. Cowling in *Lowe v. Steele*. It is remarkable, moreover, that the late Mr. Chitty, who wrote early and fully on the statutes relating to pleading and practice, and all the other pleaders who have followed in his wake, have in no instance considered the plea insufficient for all purposes within its limits. The Chief Baron himself, on the first, and, I conceive, *best* impression, inquired, "Is not this plea good if it follows the form given by the rule of court? Those rules have the force of an act of Parliament." An observation more forcible and apposite could scarcely have been made. It was replied, that if this plea were allowed, the plaintiff would be without remedy for "interest." I think that proposition is not law, because the plaintiff might, I submit, have replied damages ultra, and if on the trial the plaintiff had proved interest to be due, he would have been entitled to a verdict as for substantial damages: if no interest were due, the averment in the plea, "that the defendant was not indebted in any greater amount," was true, and the plaintiff could not claim the shilling nominal damages, because the plea was a sufficient answer. If, in a plea of payment of money into court in an action of debt, the words "that the defendant never was indebted to the plaintiff to a greater amount," &c. are not deemed sufficient to cover damages for the detention of the debt, I would suggest that the *general plea* of *nunquam indebitatus* be altered by inserting the words "that the defendant never was indebted, nor has the plaintiff sustained damages, in manner and form" &c.; for, if the *nunquam indebitatus* in the *general plea* be a sufficient denial of damages for the detention of the debt, why should it not be so in the principal case? If the plaintiff fails to establish a *debt*, he fails in obtaining damages in the one case as in the other. Baron Alderson, indeed, says, "If the doctrine which Mr. Cowling contends for, is correct, the plea of *nil debet* was a bad plea, because it did not cover the damages." It is much to be regretted that the ingenuity of counsel should have been allowed to prevail against the common sense contained in this statutory form,—framed and approved of by so many learned judges,—written upon by a numerous class of practical lawyers,—and apparently prevailing against the first impression of the learned barons who decided the case.

J. C. G.

## PUBLIC GENERAL STATUTES.

9 &amp; 10 VICTORIA.—SESSION 6.

(Continued from p. 349).

## CAP. XXXVIII.

An Act to empower the Commissioners of her Majesty's Woods to form a Royal Park in Battersea Fields, in the County of Surrey. [3rd August, 1846.]

## CAP. XXXIX.

An Act to enable the Commissioners of her Majesty's Woods to construct an Embankment and Roadway on the North Shore of the River Thames from Battersea Bridge to Vauxhall Bridge, and to build a Suspension Bridge over the said River at or near Chelsea Hospital, with suitable Approaches thereto, including a Street from Lower Sloane-street to the Northern Extremity of the Bridge. [3rd August, 1846.]

## CAP. XL.

An Act to declare certain Ropeworks not within the Operation of the Factory Acts. [3rd August, 1846.]

## CAP. XLI.

An Act for granting to her Majesty, until the 5th Day of September, 1846, certain Duties on Sugar imported into the United Kingdom. [3rd August, 1846.]

## CAP. XLII.

An Act to authorise a Loan from the Consolidated Fund to the New Zealand Company. [3rd August, 1846.]

## CAP. XLIII.

An Act to suspend until the 1st Day of October, 1847, the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom. [7th August, 1846.]

## CAP. XLIV.

An Act to remove Doubts as to the Election of Members to serve in Parliament for the County of Chester, the Boroughs situate therein, and for the County of the City of Chester. [7th August, 1846.]

## CAP. XLV.

An Act to continue until the 1st Day of September, 1847, certain of the Provisions of an Act of the fifth and sixth Years of her present Majesty, for amending the Constitution of the Government of Newfoundland. [7th August, 1846.]

## CAP. XLVI.

An Act to continue until the 31st Day of December, 1851, an Act of the fourth and fifth Years of her present Majesty, for authorising and facilitating the Completion of a Survey of Great Britain, Berwick-upon-Tweed, and the Isle of Man. [7th August, 1846.]

## CAP. XLVII.

An Act to apply the Sum of Four Millions out of the Consolidated Fund, and the Surplus of Ways and Means, to the Service of the Year 1846. [13th August, 1846.]

## CAP. XLVIII.

An Act for legalising Art Unions. [13th August, 1846.]

## CAP. XLIX.

An Act to continue until the 1st Day of October, 1847, and to the End of the then next Session of Parliament, an Act for authorising the Application of Highway Rates to Turnpike Roads. [18th August, 1846.]

## CAP. L.

An Act to continue until the 1st Day of October, 1847, and to the End of the then next Session of Parliament, the Exemption of Inhabitants of Parishes, Townships, and Villages from Liability to be rated as such, in respect of Stock in Trade or other Property, to the Relief of the Poor. [18th August, 1846.]

## CAP. LI.

An Act to continue certain Turnpike Acts until the 1st Day of October, 1847, and to the End of the then next Session of Parliament. [18th August, 1846.]

## CAP. LII.

An Act to continue to the 1st Day of October, 1847, and to the End of the then next Session of Parliament, the Act to amend the Laws relating to Loan Societies. [18th August, 1846.]

## CAP. LIII.

An Act to continue the Copyhold Commission until the 31st Day of July, 1847, and to the End of the then next Session of Parliament. [18th August, 1846.]

## CAP. LIV.

An Act to extend to all Barristers practising in the Superior Courts at Westminster the Privileges of Serjeants at Law in the Court of Common Pleas. [18th August, 1846.]

Whereas it would tend to the more equal distribution, and to the consequent despatch of business in the superior courts of common law at Westminster, and would, at the same time, be greatly for the benefit of the public, if the right of barristers at law to practise, plead, and to be heard extended equally to all the said courts; but, by reason of the exclusive privilege of serjeants at law to practise, plead, and have audience in the Court of Common Pleas at Westminster during term time, such object cannot be effected without the authority of Parliament: be it therefore enacted, by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present Parliament assembled, and by the authority of the same, that, from and after the passing of this act, all barristers at law, according to their respective rank and seniority, shall and may have and exercise equal rights and privilege of practising, pleading, and audience in the said Court of Common Pleas at Westminster with the said serjeants at law; and it shall be lawful for the justices of the said court, or any three of them, of whom the Lord Chief Justice of the said court shall be one, to make rules and orders, and to do all other things necessary for giving effect to this enactment.

## CAP. LV.

An Act to defray, until the 1st day of August, 1847, the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in Great Britain and Ireland; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant-surgeons, Surgeons-mates, and Serjeant-majors of the Militia; and to authorise the employment of the Non-commissioned Officers. [18th August, 1846.]

## CAP. LVI.

An Act to provide Forms of Proceedings under the Acts relating to the Duties of Assessed Taxes, and the Duties on Profits arising from Property, Professions, Trades, and Offices in England. [18th August, 1846.]

(To be continued).

## London Gazette.

TUESDAY, SEPTEMBER 15.

## BANKRUPTS.

**HENRY DRYSDALE**, Lamb's Conduit-street, Middlesex, auctioneer, dealer and chapman, Sept. 25 at 3, and Oct. 27 at 1, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Van Sandau & Cumming, King-street, Cheapside.—Fiat dated Sept. 8.

**JOHN HARDY**, Castle Donington, Leicestershire, cattle dealer, maltster, dealer and chapman, Sept. 17 and Oct. 20 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Smith, Birmingham; Scott & Taubourdin, 22, Lincoln's-inn-fields, London.—Fiat dated Aug. 31.

**HENRY DEVERILL**, Stoke-upon-Trent, Staffordshire, and Congleton, Cheshire, corn factor, dealer and chapman, Sept. 29 and Oct. 15 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sols. Wadsworth, Nottingham; Motteram & Knowles, Birmingham.—Fiat dated Sept. 1.

**WILLIAM MULLINGER HIGGINS**, Birmingham, lace-man, dealer and chapman, Oct. 3 and 31 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sols. Everest & Co., Hatton-garden, London.—Fiat dated Sept. 10.

**PETER M'SHANE**, Dundalk, Louth, Ireland, cattle dealer, dealer and chapman, (trading between Dundalk and Liverpool), Sept. 25 and Oct. 20 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Sols. Green, Liverpool; Gregory & Co., Bedford-row, London.—Fiat dated Sept. 9.

**WILLIAM WARBURTON**, Newcastle-upon-Tyne, grocer and tea dealer, Oct. 2 at half-past 10, and Nov. 5 at half-past 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Jobling, Newcastle-upon-Tyne; Bell & Co., Bow Church-yard, London.—Fiat dated Sept. 9.

**JONAS MILNES**, Littletown, Birstall, Yorkshire, blanket manufacturer, **JOSEPH LANG**, of the same place, blanket manufacturer, **JOSEPH WILBY**, of the same place, yeoman, and **THOMAS BROOK**, of the same place, wheelstapler, (carrying on business at Littletown, as scribbling millers, under the style or firm of Brook & Co.), Sept. 26 and Oct. 24 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Battye & Firth, Birstall; Bond, Leeds; Jaques & Edwards, Ely-place, London.—Fiat dated Sept. 9.

## MEETINGS.

**John Boulton**, Ashton-under-Lyne, Lancashire, carrier, Oct. 2 at 12, District Court of Bankruptcy, Manchester, last ex.—**John Taylor**, Hollingwood, near Oldham, and Manchester, rope manufacturer, Oct. 8 at 12, District Court of Bankruptcy, Manchester, last ex.—**Robert Priestley**, Manchester and Ardwick, grocer, Oct. 7 at 12, District Court of Bankruptcy, Manchester, aud. ac.—**James Wilkinson**, Manchester, grocer, Oct. 7 at 12, District Court of Bankruptcy, Manchester, aud. ac.—**Wm. B. Gaskell**, Birmingham, draper, Oct. 8 at 12, District Court of Bankruptcy, Manchester, aud. ac.—**Charles Moyle**, Whitechurch, Shropshire, linendraper, Oct. 9 at 12, District Court of Bankruptcy, Manchester, aud. ac.—**Anne Casacuberta**, Manchester, merchant, Oct. 8 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Oct. 9 at 12, fin. div.—**George Williams**, Bristol, watch maker, Oct. 8 at 11, District Court of Bankruptcy, Bristol, aud. ac.—**John Stevenson**, Manchester, tobacconist, Oct. 6 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—**Edmondson Cooban**, Liverpool, common brewer, Oct. 6 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—**John Riky**, Liverpool, merchant, Oct. 6 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—**Frederick Cordaroy**, Liverpool, batter, Oct. 5 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—**Robert Westmore**, West Derby, near Liverpool, joiner, Oct. 7 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—**Cuthbert Taylor** and **Thos. Hawkey**, Monkwearmouth Shore, Durham, ship builders, Oct. 8 at half-past 10, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—**Wm. Fordyce**, Newcastle-upon-Tyne, bookseller, Oct. 8 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—**John Simpson**, Talentire, Cumberland, ship owner, Oct. 8 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—**Henry Roe**, Liverpool, goldsmith, Oct. 6 at 11, District Court of Bankruptcy, Liverpool, div.—**John Stevenson**, Manchester, tobacconist, Oct. 6 at 12, District Court of Bankruptcy, Liverpool, div.—**J. J. Aylton**, South Shields, Durham, linen draper, Oct. 9 at half-past 10, District Court of Bankruptcy, Newcastle-upon-Tyne, fin. div.—**J. Taylor**, Middlesbrough, Yorkshire, coal fitter, Oct. 9 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne, div.—**Thos. Snaith** and **George Snaith**, Bishop Auckland, Durham, ironmongers, Oct. 8 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, div.—**James Blacket**, Stokesley, Yorkshire, flax spinner, Oct. 8 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, fin. div.—**R. Bone**, Durham, grocer, Oct. 8 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, div.

## CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

**William Wonnacott**, Bath, Somersetshire, grocer, Oct. 9 at 12, District Court of Bankruptcy, Bristol.—**James Ewen**, Bristol, and Weston-super-Mare, Somersetshire, silk mercer, Oct. 13 at 11, District Court of Bankruptcy, Bristol.—**Spencer Purser**, Cheltenham, Gloucestershire, draper, Oct. 9 at 12, District Court of Bankruptcy, Bristol.—**William Lomerga**, Liverpool, wine merchant, Oct. 6 at 12, District Court of Bankruptcy, Liverpool.—**W. Kirby**, Liverpool, hotel keeper, Oct. 6 at half-past 11, District Court of Bankruptcy, Liverpool.—**J. Davis**, Worcester, and Heaton Norris, Lancashire, provision dealer, Oct. 15 at 10, District Court of Bankruptcy, Birmingham.—**J. Coates**, Leominster, Herefordshire, tailor, Oct. 8 at 12, District Court of Bankruptcy, Birmingham.—**Daniel Anfrobus**, Audley, Staffordshire, apothecary, Oct. 15

at 11, District Court of Bankruptcy, Birmingham.—*Charles Burrows*, East Stonehouse, Devonshire, beer brewer, Oct. 6 at 11, District Court of Bankruptcy, Exeter.—*Ann Hall*, Manchester, innkeeper, Oct. 8 at 12, District Court of Bankruptcy, Manchester.—*J. Knight*, Preston, Lancashire, mercer, Oct. 7 at 12, District Court of Bankruptcy, Manchester.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Oct. 6.*

*John Scott*, Sheffield, Yorkshire, flour dealer.—*Wilton Wood*, Liverpool, flat rope manufacturer.—*Wm. Joy*, Tonbridge, Kent, plumber.—*Charles Pitt*, Bristol, licensed victualler.—*Wheatley Kirk*, Salford, Lancashire, stockbroker.—*Jules Valle*, Manchester, and Arnfield, near Mottram, Cheshire, commission agent.—*Jas. G. Wilson*, Standard Factory, Wenlock-basin, Wharf-road, City-road, Middlesex, engineer.—*John Hawkins*, Maidenhead, Berkshire, butcher.—*John Stevenson*, Frederick-place, Hampstead-road, Middlesex, china dealer.—*Wm. H. Smith*, Esq., Swansea, Glamorganshire, newspaper proprietor and printer.—*Wm. Hen. Housfield*, Cardiff, Glamorganshire, draper.

#### PARTNERSHIPS DISSOLVED.

*Robert Upperton*, *Hen. Verrall*, and *A. Veysey*, Brighton, attorneys and solicitors.—*Jas. Owen* and *Benj. Peach*, Liverpool, attorneys and solicitors.

#### SCOTCH SEQUESTRATIONS.

*John Richmond*, Glasgow, sharebroker.—*Charles Hunter Stewart*, Edinburgh, coach proprietor.—*Ebenezer Steven & Co.*, Glasgow, manufacturers.—*Geo. Lawrie & Co.*, Glasgow, commission agents.—*Thos. Gemmill*, Edinburgh, merchant.—*Hen. Macdonald*, Glasgow, manufacturing chemist.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*John Richards*, Tooley-street, Southwark, Surrey, master mariner, Sept. 24 at 12, Court of Bankruptcy, London.—*John Jos. Colman*, Thorpe-next-Norwich, teacher of drawing, Sept. 24 at 12, Court of Bankruptcy, London.—*Frances Christley*, spinster, Warner-st., Dover-road, Surrey, school-mistress, Sept. 24 at 12, Court of Bankruptcy, London.—*Chas. Mears*, High-st., Putney, Middlesex, grocer, Sept. 24 at 12, Court of Bankruptcy, London.—*Geo. Bowile*, Finchfield, Essex, bricklayer, Sept. 24 at 2, Court of Bankruptcy, London.—*John P. Offord*, Great Yeldham, Essex, miller, Oct. 5 at 1, Court of Bankruptcy, London.—*Peter Ringen*, John-st., Booth-st., Christchurch, Spitalfields, Middlesex, scum boiler, Oct. 5 at 11, Court of Bankruptcy, London.—*Rich. Birch*, New-road, Chelsea, Middlesex, agent and collector for debts, Oct. 3 at 11, Court of Bankruptcy, London.—*Wm. Curtis*, East Peckham, Kent, boot maker, Sept. 28 at 1, Court of Bankruptcy, London.—*Chas. Smith*, Hampton, Middlesex, farmer, Sept. 28 at half-past 1, Court of Bankruptcy, London.—*Jas. Watson*, Manchester, commission agent, Sept. 25 at 12, District Court of Bankruptcy, Manchester.—*W. M. Granger*, Manchester, attorney's clerk, Sept. 24 at 12, District Court of Bankruptcy, Manchester.—*Joniah Jackson*, Bentley Hay, Staffordshire, miner, Sept. 22 at 12, District Court of Bankruptcy, Birmingham.—*Adam Patterson*, Liverpool, livery-stable keeper, Sept. 25 at 12, District Court of Bankruptcy, Liverpool.—*John Gardiner*, Liverpool, coffee dealer, Sept. 25 at 11, District Court of Bankruptcy, Liverpool.—*John Wright*, Liverpool, surgeon, Sept. 22 at 11, District Court of Bankruptcy, Liverpool.

*Saturday, Sept. 12.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Richard Burridge Lawrence*, Myddleton-square, Pentonville, Middlesex, coal merchant: in the Debtors Prison for London and Middlesex.—*Thomas Devereux*, Eldon-street, Finsbury, Middlesex, French polisher: in the Debtors Prison for London and Middlesex.—*Hamilton Murray*, Angel-gardens, Shadwell, Middlesex, furniture broker: in the Debtors Prison for London and Middlesex.—*Wm. Hen. Mathews*, Gloucester, out of business: in the Gaol of Gloucester.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Thursday, Oct. 1, at 9.*

*Wm. Gosling*, St. George's-place, Back-road, St. George's in the East, Middlesex, dealer in artificial flowers.—*Robert Hutton*, Laurel-cottage, Highgate, Middlesex, merchant.—*Chas. Burrage*, South-st., Rye-lane, Peckham, Surrey, cow-keeper.—*Jas. Roberts*, Islington-place, Park-road, Islington, Middlesex, cattle salesman.—*Jos. Smith*, Bolingbroke-street, Battersea, Surrey, carman.—*Wm. Jos. Roome*, St. Benet's-place, Gracechurch-st., London, commission agent for the sale of Sheffield goods.—*Jos. Augustus Levien*, Regent-sq., St. Pancras, Middlesex, clerk in the Crown Surveyor's Office.—*Rich. Aldridge Lewis*, White Lion-st., Islington, Middlesex, out of business.—*Bartholemew Wood*, Great Tower-st., working jeweller.—*Jas. Hodgkins*, Eagle-st., Red Lion-sq., Middlesex, whitesmith.—*Henry Holloway*, Windsor-place, City-road, Middlesex, jobber in railway shares.—*Edmund Richard Buller*, Regent-st., Middlesex, out of employ.—*R. Burridge Lawrence*, Myddleton-square, Pentonville, Middlesex, coal merchant.

#### INSOLVENT DEBTORS' DIVIDENDS.

*Charles Hellyer*, purser in the royal navy, Stigant's, Portsea: 1s. 11d. in the pound, (in addition to a former div. of 1s. 1d.).—*Jas. Patrick Cockrell*, R. N., Morston and Burnham Overy, Norfolk, chief officer in the coast-guard service, and lieutenant on half-pay, Symons's, Devonport: 2s. 8d. in the pound.

**FRIDAY, SEPT. 18.**

#### BANKRUPTS.

**JAMES JOSEPH FRYER**, Birch-in-lane, Cornhill, London, stock and sharebroker, dealer and chapman, Sept. 30 at 1, and Nov. 5 at 11, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Lindsay & Mason, Cateaton-street, London.—Fiat dated Sept. 14.

**JAMES BLUNDEN**, Basingstoke, Southampton, grocer, baker, dealer and chapman, Sept. 30 and Oct. 29 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Johnson & Co., King's Bench-walk, Temple.—Fiat dated Sept. 15.

**JOHN HATCHER**, Poole, butcher, dealer and chapman, Oct. 7 and Nov. 5 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Parr, Poole; Holme & Co., New-inn, Strand.—Fiat dated Sept. 9.

**JOHN EDWARD CAMPBELL KOCH**, Great Winchester-street, London, East India merchant, Sept. 28 at 12, and Oct. 30 at 11, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Hallearys', Fenchurch-street, London.—Fiat dated Sept. 15.

**LEOPOLD ANTON VICTOR RUDOLPHI**, Sunderland, Durham, general merchant, (carrying on business under the style or firm of Rudolphi & Co.), Oct. 2 at 11, and Oct. 30 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Wakley; Sols. Cooper, Sunderland; Loveland & Beckett, Lincoln's-inn-fields, London.—Fiat dated Sept. 12.

**THOMAS BARROW**, Manchester, shirt and collar maker, dealer and chapman, Oct. 1 and 23 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Goulden, Manchester; Milne & Co., Temple, London.—Fiat dated Sept. 11.

#### MEETINGS.

*John Smith Chadwick*, Manchester, calico printer, Oct. 7 at 12, District Court of Bankruptcy, Manchester, last ex.—*James Stutterd*, Manchester, cotton spinner, Sept. 30 at 12, District Court of Bankruptcy, Manchester, last ex.—*Edw. Boulit*, Isleworth, Middlesex, grocer, Oct. 16 at half-past 2, Court of Bankruptcy, London, aud. ac.—*Robert Spooner*, Buckingham-street, Middlesex, licensed victualler, Oct. 16 at 2, Court of Bankruptcy, London, aud. ac.—*Henry Morris*, South Lambeth New-road, Surrey, stonemason, Oct. 6 at 12, Court of Bankruptcy, London, aud. ac.—*William Rolfe*, Manchester, music seller, Oct. 13 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*James Taylor*, *Adam Adahed*, *Silas Garner*, *Joseph Warren*, and *Wright Huime*, Stockport, and *Wm. Barnes*, Ratcliffe-bridge, Lancashire, cotton manufacturers, Oct. 13 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*George W. Gee* and *John F. Gee*, Leeds, and *Horsforth*, Yorkshire, drapers, Oct. 13 at 1, District Court of Bankruptcy, Manchester, aud. ac.—*Charles*

*Moyle*, Whitchurch, Shropshire, linendraper, Oct. 16 at 12, District Court of Bankruptcy, Manchester, div.—*Jas. Wilkinson*, Manchester, grocer, Oct. 12 at 12, District Court of Bankruptcy, Manchester, div.—*Robert Priestley*, Manchester and Ardwick, Lancashire, grocer, Oct. 12 at 12, District Court of Bankruptcy, Manchester, first and fin. div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on the Day of Meeting.*

*Charles Aire*, Newport, Isle of Wight, Southampton, innkeeper, Oct. 12 at 12, Court of Bankruptcy, London.—*G. Bingley Wadsworth*, Broad-street, Golden-square, St. James, Westminster, Middlesex, apothecary, Oct. 13 at 11, Court of Bankruptcy, London.—*Wm. Kennett and J. Hammon Reynolds*, Lamb-street, Spitalfields, Middlesex, tallow chandlers, Oct. 12 at 11, Court of Bankruptcy, London.—*George Sax*, Stonecutter-street, Farringdon-street, London, job master, Oct. 12 at half-past 11, Court of Bankruptcy, London.—*J. Walker Ellis*, Lawrence-lane, Cheapside, London, cloth merchant, Oct. 9 at 11, Court of Bankruptcy, London.—*Richard Knight and Alfred Knight* the younger, Budge-row, London, wholesale stationers, Oct. 13 at 2, Court of Bankruptcy, London.—*Ch. M. Kinnell*, Fenchurch-street, London, wine merchant, Oct. 13 at 1, Court of Bankruptcy, London.—*Edw. Brailford*, Brighton, Sussex, Oct. 16 at 11, Court of Bankruptcy, London.—*T. Winfield*, Baptist Mills, Bristol, potter, Oct. 13 at 12, District Court of Bankruptcy, Bristol.—*Rich. Kirby Frankish*, Scarborough, Yorkshire, joiner, Oct. 10 at 11, District Court of Bankruptcy, Leeds.—*Prescott Corless*, Wigan, Lancashire, tea dealer, Oct. 13 at 11, District Court of Bankruptcy, Liverpool.—*Alex. Smith and Thomas Irvine*, Liverpool, merchants, Oct. 13 at 11, District Court of Bankruptcy, Liverpool.—*Joseph Charke*, Plymouth, Devonshire, innkeeper, Oct. 14 at 11, District Court of Bankruptcy, Exeter.—*John Bishop*, Manchester, painter, Oct. 12 at 1, District Court of Bankruptcy, Manchester.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Oct. 9.*

*John Partridge*, Cheltenham, Gloucestershire, coal merchant.—*Robert White*, Ilford, Essex, draper.—*J. Blackburn*, Gomersall, Birstall, Yorkshire, cloth manufacturer.—*Robert Priestley*, Manchester and Ardwick, Lancashire, grocer.—*S. Hill*, Bolton-le-Moors, Lancashire, boiler maker.—*Elizabeth Glover*, Shelton, Stoke-upon-Trent, Staffordshire, publican.—*James Weston*, Bishopsgate-street-within, London, hatter.—*Robert Hearne*, Doddington-grove, Kennington, Surrey, and Wood-st., Cheapside, London, commission agent.—*John M. Stark*, Gainsborough, Lincolnshire, bookseller.—*Felix Herpent*, Sherrard-st., Golden-sq., Middlesex, warehouseman.—*George Bury*, Handsworth, Staffordshire, surgeon.—*Alfred Reed and Sam. J. Powell*, Tottenham-court-road, Middlesex, ironmongers.

#### SOOTCH SEQUESTRATIONS.

*Jas. White*, deceased, Edinburgh, furrier and umbrella maker.—*Thos. Lorimer*, Glasgow, accountant.—*Alex. Gall*, Fraserburgh, draper.—*Alex. Dewar*, Dingwall, merchant and coal dealer.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Francis F. Firmin*, Lambeth-street, Whitechapel, Middlesex, clerk to the lords of the Admiralty, Sept. 29 at 2, Court of Bankruptcy, London.—*Wm. H. Halpin*, Grafton-street, Fitzroy-square, Middlesex, author, Sept. 29 at 2, Court of Bankruptcy, London.—*James Leech*, Chace-side, Southgate, Middlesex, coffee-shop keeper, Sept. 29 at 2, Court of Bankruptcy, London.—*Fred. Wm. Letton*, Old Ford-road, Old Ford, Bow, traveller to an oilman, Sept. 29 at 2, Court of Bankruptcy, London.—*Samuel Hawkins*, Horseferry-road, Westminster, Middlesex, carpenter, Sept. 29 at 2, Court of Bankruptcy, London.—*Sarah East*, Fulham-road, Middlesex, china dealer, Oct. 16 at half-past 1, Court of Bankruptcy, London.—*James Kirkham*, Walslow, Staffordshire, grocer, Sept. 26 at 12, District Court of Bankruptcy, Birmingham.—*James Ames Merchant*, Long Field, Trowbridge, Wiltshire, clothier, Oct. 12 at 11, District Court of Bankruptcy, Bristol.—*Wm. Patey*, Newbridge, Glamorganshire, baker, Oct. 13

at 11, District Court of Bankruptcy, Bristol.—*Rev. Lawrence Eyre*, Dalby Rectory, Terrington, Yorkshire, clerk, Oct. 9 at 11, District Court of Bankruptcy, Leeds.—*Wm. Chambers*, Raistrick, Halifax, Yorkshire, builder, Sept. 23 at 11, District Court of Bankruptcy, Leeds.—*Wm. Treewood*, Dewsbury, Yorkshire, small shopkeeper, Oct. 9 at 11, District Court of Bankruptcy, Leeds.—*Thomas Briggs*, Tadcaster, Yorkshire, innkeeper, Oct. 9 at 11, District Court of Bankruptcy, Leeds.

Wednesday, Sept. 16.

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*  
(On their own Petitions).

*Geo. Wm. Arnold*, Baynes-row, Clerkenwell, Middlesex, out of business: in the Gaol of Surrey.—*Chas. Fitch Mackenzie*, Canterbury-place, Lambeth, Surrey, in no business: in the Queen's Prison.—*Jos. Scouler*, Strathmore-terrace, Back-road, Shadwell, Middlesex, tailor: in the Debtors Prison for London and Middlesex.—*Hem. Shields*, Croft-bank-lane, Stretford, near Manchester, painter: in Lancaster Castle.—*Chas. Hanbury*, Birmingham, civil engineer: in the Gaol of Leicester.—*David Morgan*, Merthyr Tydvil, Glamorganshire, assistant chemist: in the Gaol of Cardiff.—*Jas. Bill*, Greenham, Thatcham, Berkshire, carpenter: in the Gaol of Reading.—*Ed. Allison*, Alnwick, Northumberland, spirit merchant: in the Gaol of Morpeth.

We regret to have to record the death of Mr. Justice Williams, on Monday last, after a very short illness. Sir John Williams was called to the Bar, 15th June, 1804; appointed King's Counsel, 1827; a Baron of Exchequer, 28th February, 1834; and a Justice of the Court of King's Bench, Easter Term, 1834.

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Printed by WALTER M'DOWALL, PRINTER, residing at No. 4, Pemberton Row, Gough Square, in the Parish of St. Bride, in the City of London, at his Printing Office, situate No. 5, Pemberton Row aforesaid; and Published at No. 3, CHANCERY LANE, in the Parish of St. Dunstan in the West, in the City of London, by HENRY SWEET, LAW BOOKSELLER and PUBLISHER, residing at No. 11, John Street, Bedford Row, in the County of Middlesex. Saturday, September 19, 1866.



# The Jurist

No. 507—VOL. X.

SEPTEMBER 26, 1846.

PRICE 1s.

\* \* *The following are the Names of the Gentlemen who favour THE JURIST with Reports of Cases argued and decided in the several Courts of Law and Equity:—*

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LONDON, SEPTEMBER 26, 1846.

OUR readers will not have failed to perceive, in our list of the acts passed during the late session, the important one which throws open the Court of Common Pleas to the Bar generally. That this measure will, in the language of its own preamble, "tend to the more equal distribution, and to the consequent dispatch, of business in the superior courts of common law at Westminster," there can be no doubt. Manifest would be the evils attending, in the present state of society, an arrangement by which only one class of counsel should be permitted to practise in any one particular court, and still greater are the evils, when the arrangement is applied to the business in banc only, of a court of common law.

It is always of importance to the solicitor to be able to keep his case throughout its various stages in the hands of the same counsel. We do not say that it must be always of advantage for him actually to do so; because cases may occur in which the talent of one man is of a kind peculiarly suited to a particular stage of a business, or a particular tribunal, and extremely unfitted for another stage of it, or another tribunal. But, speaking generally, a case is best carried through where the counsel who have advised and argued from the beginning, advise and argue till the end; at least, the suitor ought to have the right of determining for himself whether such a course is to his advantage; and nothing can be more preposterous, than to say to a suitor, whose cause is in the Common Pleas, that, unless he retains a serjeant for his counsel throughout, he must have no other continuity of counsel. The effect of the new regulation will, therefore, be beneficial in a twofold way. It will not only give to the suitor a larger class of advocates to select from, but it will enable him, when it is, in his opinion, his

interest to do so, to continue his case throughout under the same guidance, so far at least as the private arrangements of the Bar, for their own convenience and the dispatch of business, do not interfere with such an arrangement.

The effect on the ancient order of Serjeants, it is not very difficult to foresee. In a few years, or, at least, when the present generation of Serjeants has passed away, Serjeants will have become historical, and their rank will merge in that of Queen's Counsel; for, when the only advantage, or supposed advantage, of the degree of Serjeant, that of exclusive audience in the Common Pleas, shall have been destroyed, there will be no conceivable inducement for a man to pay very heavy fees, for the mere pleasure of giving rings, and wearing a wig of special structure. The extinction, however, of this venerable order, as it is justly termed by Blackstone, since its existence is clearly traced back through nearly six centuries\*, though it may cause a pang to

\* Mr. Chitty, in his note to Blackstone, (vol. 1, p. 24, n. (t)), says, that the first mention he has met with in our law books of serjeants or counters, is in the Statute of Westminster 1, (3 Edw. 1, c. 29), and in Horn's Mirror, in the same reign. The statute, which is not printed, is so curious, as shewing what were the propensities, in that day, of even so honourable a body of men as serjeants, and what was the despotic discipline to which the Bar was subjected, that we cannot resist the temptation of transcribing it:—"Pourveu que si nul serjaunt, count (countre), ou autre face nule manere de deceit ou de collusion en la Court le Roi, ou consente de faire la en deceite de la court, et par enginer la court ou la partie, et de ceo soit atteint; lors eit la prison d'un an et d'un jour et mes ne soit oie en la court a counter par nuluy." The richness of the expression "par enginer la court" is scarcely translatable. It is translated in the statute book by the words, "or to beguile the court." Happily, in the present day, it is not the practice of counsel to deceive the court, or to try to "engineer the court;" but we should be a little surprised at the committal of a serjeant to prison, even if he did attempt such an offence.

the mind of those who take keen delight in historical associations,—and such are ever of the finer order of minds,—ought not to be allowed to weigh against the obvious public benefit of entire freedom of selection for the suitor; and we are to remember, for the comfort and consolation of those even who would grieve over the departed glories of Serjeantcy, as over the loss of an institution, that though, in truth, the order of Serjeants is connected with much that is most to be revered in the history of our jurisprudence; and though, to its still greater honour, that order has had to boast of many men who, in times of political difficulty and attacks made by privilege on the liberties of the subject, have been bold as well as able, in the cause of legitimate freedom; the men who have so adorned the order did so, not because they were Serjeants at law, but because they were good and great men; and last, if not least, be it remembered, that, if, as we predict, the recent act has struck the death-blow to the order of Serjeants, it was better that that honourable and venerable order should die decently under the stab of an act of the Legislature, than moulder away, as it threatened to do, in the humiliation of a forgotten old age.

## PUBLIC GENERAL STATUTES.

9 & 10 VICTORIA.—SESSION 6.

(Continued from p. 356).

### CAP. LVII.

An Act for regulating the Gauge of Railways.

[18th Aug. 1846.]

- Sect. 1. *On what Gauge Railways shall be made.*  
 2. *Exception of certain Railways.*  
 3. *Certain Railways to be on the broad Gauge.*  
 4. *Gauge not to be altered.*  
 5. *Provision as to the Oxford and Rugby, and Oxford, Worcester, and Wolverhampton Railways.*  
 6. *Penalty on Company for constructing Railways contrary to this Act.*  
 7. *Railways constructed contrary to this Act may be abated.*  
 8. *Recovery of Penalties.*  
 9. *Act may be amended, &c.*

Whereas it is expedient to define the gauge on which railways shall be constructed: be it enacted, &c., that, after the passing of this act, it shall not be lawful (except as hereinafter excepted) to construct any railway for the conveyance of passengers on any gauge other than four feet eight inches and half an inch in Great Britain, and five feet three inches in Ireland: Provided always, that nothing hereinbefore contained shall be deemed to forbid the maintenance and repair of any railway constructed before the passing of this act on any gauge other than those hereinbefore specified, or to forbid the laying of new rails on the same gauge on which such railway is constructed within the limits of deviation authorised by the several acts under the authority of which such railways are severally constructed.

2. That nothing hereinbefore contained shall apply to any railway constructed, or to be constructed, under the provisions of any present or future act containing any special enactment defining the gauge or gauges of such railway, or any part thereof, or to any railway which is in its whole length southward of the Great Western Railway, or to any railway in any of the counties of Cornwall, Devon, Dorset, or Somerset, for which any act has been or shall be passed in this session of Parliament, or to any railway in any of the last-mentioned counties now in the course of construction, or to the two railways severally to be constructed under the authority of two acts passed in this session of Parliament, [c. clxvi and c. cxxxvi], severally intitled "An Act for making a Railway

from the Great Western Railway at West Drayton to Uxbridge, in Middlesex," and "An Act for making a Railway from the Great Western Railway at Maidenhead, in Berkshire, to the town of High Wycombe, in the county of Buckingham;" or to so much of an act passed in this session, [c. cclxxviii], intitled "An Act to authorise certain Extensions of the Line of the Oxford, Worcester, and Wolverhampton Railway, and to amend the Act relating thereto," as authorises the construction of a branch railway from the Oxford, Worcester, and Wolverhampton Railway to the town of Witney, in the county of Oxford; or to an act passed or which may be passed in this session of Parliament, "to authorise the construction of a railway from Melin-y-Manach to Rhydyfald, in the county of Glamorgan."

3. That the several railways authorised to be constructed by an act passed in the last session of Parliament, [c. xcix], intitled "An Act for making a Railway, to be called 'The South Wales Railway,'" and by an act also passed in the last session of Parliament, [c. xcxi], intitled "An Act for making a Railway from Monmouth to Hereford, with Branches therefrom to Westbury and to join the Forest of Dean Railway," and by two acts passed in this session of Parliament, severally intitled "An Act for completing the Line of the South Wales Railway, and to authorise the Construction of an Extension, and certain Alterations of the said Railway, and certain Branch Railways in connexion therewith," and [c. cv] "An Act for making a Railway Communication between the City of Bristol and the proposed South Wales Railway, in the County of Monmouth, with a Branch Railway therefrom," shall be constructed on the gauge of seven feet.

4. That it shall not be lawful, after the passing of this act, to alter the gauge of any railway used for the conveyance of passengers.

5. That nothing hereinbefore contained shall be deemed to affect the provisions of two acts passed in the last session of Parliament, [c. clxxxviii and c. cclxxxiv], respectively intitled "An Act for making a Railway from the City of Oxford to the Town of Rugby," and "An Act for making a Railway from Oxford to Worcester and Wolverhampton," with respect to the gauge on which they are to be formed, or the additional rails, which, according to the several provisions of the last two recited acts, are to be, or may be, laid down and maintained on the railways thereby authorised, or with respect to the powers thereby conferred on the commissioners of her Majesty's Privy Council for trade and foreign plantations concerning the construction and use of the railways thereby authorised.

6. That if any railway, used for the conveyance of passengers, shall be constructed or altered contrary to the provisions of this act, the company authorised to construct the railway, or, in the case of any demise or lease of such railway, the company for the time being having the control of the works of such railway, shall forfeit 10*l.* for every mile of such railway which shall be so unlawfully constructed or altered, during every day that the same shall continue so unlawfully constructed or altered; and, in estimating the amount of any such penalty, any distance less than one mile shall be estimated as a mile.

7. That, over and above the penalty hereinbefore provided, if any railway used for the conveyance of passengers shall be constructed or altered contrary to the provisions of this act, it shall be lawful for the commissioners of her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or for the lords of the committee of her Majesty's Privy Council for Trade and Foreign Plantations, to abate and remove the same, or any part thereof so constructed or altered contrary to the provisions of this act, and to restore the site thereof to its former condition.

8. That all penalties under this act may be recovered from the company liable to pay and make good the same, as, under the provisions of an act passed in the last session of Parliament, [c. 20], intitled "An Act for consolidating in one Act certain Provisions usually inserted in Acts authorising the making of Railways," a penalty for any infringement of the last-recited act is recoverable against a company authorised to construct a railway.

9. That this act may be amended or repealed by any act to be passed in this session of Parliament.

## CAP. LVIII.

An Act to amend an Act of the seventh and eighth Years of her present Majesty, for reducing, under certain Circumstances, the Duties payable upon Books and Engravings. — [18th August, 1846.]

## CAP. LIX.

An Act to relieve her Majesty's Subjects from certain Penalties and Disabilities in regard to Religious Opinions. — [18th August, 1846.]

## CAP. LX.

An Act to exempt from Stamp-duty Bonds and Warrants to confess Judgment executed by High Constables or Collectors of Grand Jury Cess, or their Sureties, in Ireland. — [18th August, 1846.]

## CAP. LXI.

An Act to amend an Act of the seventh Year of King George the Fourth for consolidating and amending the Laws relating to Prisons in Ireland. — [18th August, 1846.]

## CAP. LXII.

An Act to abolish Deodands. — [18th August, 1846.]

Whereas the law respecting the forfeiture of chattels which have moved to or caused the death of man, and respecting deodands, is unreasonable and inconvenient: be it enacted, &c., that, from and after the 1st September, 1846, there shall be no forfeiture of any chattel for or in respect of the same having moved to or caused the death of man; and no coroner's jury sworn to inquire, upon the sight of any dead body, how the deceased came by his death, shall find any forfeiture of any chattel which may have moved to or caused the death of the deceased, or any deodand whatsoever; and it shall not be necessary in any indictment or inquisition for homicide to allege the value of the instrument which caused the death of the deceased, or to allege that the same was of no value.

## CAP. LXIII.

An Act for granting certain Duties on Sugar and Molasses. — [18th August, 1846.]

## CAP. LXIV.

An Act to enable Courts of Law in Ireland to give Relief against adverse Claims made upon Persons having no Interest in the Subject-matter of such Claims. — [18th August, 1846.]

Sect. 1. Upon application by a defendant in an action of assumpsit, &c., stating that the right in the subject-matter is in some third party, the court may order such third party to appear &c., and in the meantime proceedings in such action to be stayed.

2. Judgment and decision of the court to be final.

3. If such third party shall not appear, &c., court may bar his claim against the original defendants. Saving rights.

4. Orders made by a single judge liable to be rescinded by court.

5. If a judge think fit, he may refer the matter for the decision of the court.

6. For relief and protection of sheriffs and other officers employed in execution of process against goods and chattels.

7. Rules, orders, &c. made in pursuance of this act may be entered of record, and made evidence. Payment of costs. As to the testing of writs, and sheriff's fees.

8. Act may be amended, &c.

## CAP. LXV.

An Act to provide for the more effectual Execution of the Office of a Justice of the Peace, and the better Administration of the Police, within the Borough of Wolverhampton, and certain Parishes and Places in the Neighbourhood thereof, all in the County of Stafford. [18th August, 1846.]

## CAP. LXVI.

An Act to amend the Laws relating to the Poor. — [26th August, 1846.]

Sect. 1. *No Person to be removed from any Parish in which he or she shall have resided for five Years. Time during which Persons are serving in the Army*

*or Navy, &c., not to be computed as Time of Residence.*

2. *No Widow liable to be removed for twelve Months after Death of Husband.*

3. *No Child under sixteen Years of Age liable to be removed.*

4. *Sick Persons not liable to be removed except under certain Circumstances.*

5. *Settlement not to be gained by not being removed.*

6. *Penalty on Persons unlawfully procuring Removals of poor Persons.*

7. *Delivery of Paupers under Orders of Removal.*

8. *4 & 5 Will. 4, c. 76, and this Act to be construed as one.*

9. *Act limited to England.*

10. *Act may be amended, &c.*

Whereas it is expedient that the laws relating to the removal of the poor should be amended: be it enacted, &c., that, from and after the passing of this act no person shall be removed, nor shall any warrant be granted for the removal of any person, from any parish in which such person shall have resided for five years next before the application for the warrant: Provided always, that the time during which such person shall be a prisoner in a prison, or shall be serving her Majesty as a soldier, marine, or sailor, or reside as an in-pensioner in Greenwich or Chelsea Hospitals, or shall be confined in a lunatic asylum, or house duly licensed or hospital registered for the reception of lunatics, or as a patient in a hospital, or during which any such person shall receive relief from any parish, or shall be wholly or in part maintained by any rate or subscription raised in a parish in which such person does not reside, not being a bona fide charitable gift, shall for all purposes be excluded in the computation of time hereinbefore mentioned, and that the removal of a pauper lunatic to a lunatic asylum, under the provisions of any act relating to the maintenance and care of pauper lunatics, shall not be deemed a removal within the meaning of this act: Provided always, that, whenever any person shall have a wife or children having no other settlement than his or her own, such wife and children shall be removable whenever he or she is removable, and shall not be removable when he or she is not removable.

2. That no woman residing in any parish with her husband at the time of his death shall be removed, nor shall any warrant be granted for her removal, from such parish, for twelve calendar months next after his death, if she so long continue a widow.

3. That no child under the age of sixteen years, whether legitimate or illegitimate, residing in any parish with his or her father or mother, stepfather or stepmother, or reputed father, shall be removed, nor shall any warrant be granted for the removal of such child, from such parish, in any case where such father, mother, stepfather, stepmother, or reputed father may not lawfully be removed from such parish.

4. That no warrant shall be granted for the removal of any person becoming chargeable in respect of relief made necessary by sickness or accident, unless the justices granting the warrant shall state in such warrant that they are satisfied that the sickness or accident will produce permanent disability.

5. Provided always, and be it enacted, That no person hereby exempted from liability to be removed shall by reason of such exemption acquire any settlement in any parish.

6. That if any officer of any parish or union do, contrary to law, with intent to cause any poor person to become chargeable to any parish to which such person was not then chargeable, convey any poor person out of the parish for which such officer acts, or cause or procure any poor person to be so conveyed, or give directly or indirectly any money, relief, or assistance, or afford or procure to be afforded any facility for such conveyance, or make any offer or promise or use any threat to induce any poor person to depart from such parish, and if, in consequence of such conveyance or departure, any poor person become chargeable to any parish to which he was not then chargeable, such officer, on conviction thereof before any two justices, shall forfeit and pay for every such offence any sum not exceeding 5*l.*, nor less than 4*0s.*

7. That the delivery of any pauper under any warrant of removal directed to the overseers of any parish at the workhouse of such parish, or of any union to which such parish belongs, to any officer of such workhouse, shall be deemed the delivery of such pauper to the overseers of such parish.

8. That an act passed in the 4 & 5 Will. 4, [c. 76], for the amendment and better administration of the laws relating to the poor in England and Wales, and all acts to amend and extend the same, and the present act, except so far as the provisions of any former act are altered, amended, or repealed by any subsequent act, shall be construed as one act; and all penalties and forfeitures imposed under this act shall be recoverable as penalties and forfeitures under the said act for the amendment of the laws relating to the poor.

9. That this act shall extend only to England.

10. That this act may be amended or repealed by any act to be passed in this session of Parliament.

#### CAP. LXVII.

An Act to remove Doubts concerning Citations, and Services and Execution of Diligence, in Scotland.

[26th August, 1846.]

#### CAP. LXVIII.

An Act for better enabling the Burial Service to be performed in one Chapel, where contiguous Burial Grounds shall have been provided for two or more Parishes or Places.

[26th August, 1846.]

#### CAP. LXIX.

An Act to authorise, until the 31st July, 1847, and to the End of the then next Session of Parliament, the Regulation of the Annuities and Premiums of the Naval Medical Supplemental Fund Society.

[26th August, 1846.]

#### CAP. LXX.

An Act to amend the Act to facilitate the Inclosure and Improvement of Commons.

[26th August, 1846.]

#### CAP. LXXI.

An Act to amend an Act of the present Session, intituled "An Act to authorise Grand Juries in Ireland, at the Spring Assizes of the present Year, to appoint Extraordinary Presentment Sessions; to empower such Sessions to make Presentment for County Works; and to provide Funds for the Execution of such Works; and also to provide for the more prompt Payment of Contractors for Works under Grand Jury Presentments in Ireland."

[26th August, 1846.]

#### CAP. LXXII.

An Act to amend the Act for Marriages in Ireland, and for registering such Marriages.

[26th August, 1846.]

#### CAP. LXXIII.

An Act further to amend the Acts for the Commutation of Tithes in England and Wales.

[26th August, 1846.]

Sec. 1. Power to landowners to redeem a rent-charge not apportioned where the amount does not exceed 15l.

2. Upon payment of the consideration - money, commissioners to certify that the parish is discharged of tithes.

3. Power to redeem rent-charge erroneously apportioned on lands not chargeable therewith.

4. After redemption of the rent-charge erroneously apportioned, the apportionment of the remainder to be valid.

5. Separate rent-charges, not exceeding 20s. in amount, may be redeemed after apportionment. Extraordinary charge not to be affected.

6. Commissioners to certify the amount of consideration-money for redemption.

7. Consideration-money for redemption, how payable.

8. Consideration for redemption of rent-charges payable to spiritual owners, to be paid to governors of Queen Anne's Bounty, to be applied in augmentation of benefices.

9. Consideration-money, in case of owners under disability, how payable.

10. As to consideration-money under 20l.

11. Power to persons entitled for limited interests to charge expenses of redemption.

12. Commissioners' certificates of redemption to shew amount of consideration for the same.

13. Alteration of apportionment may be made after inclosure, &c. Such alteration, when confirmed, to be valid.

14. Expenses of alteration of apportionment shall be borne by owners of lands to which it shall relate.

15. Supplemental apportionment of a rent-charge as made payable to one owner in respect of tithes belonging to several owners, or held in separate rights.

16. Commissioners empowered to declare, that lands to which doubts have arisen shall be considered a separate district for commutation, and the residue of the parish to remain subject to the original award.

17. Place of deposit of copy of confirmed apportionment may be altered by quarter sessions.

18. Tithes or rent-charge in lieu thereof may be merged after agreement or award, but before apportionment.

19. Powers relating to the merger, &c. of any tithes may be executed by a person entitled in equity.

20. 1 & 2 Vict. c. 64, to be construed as part of the Tithe Commutation Acts.

21. Decisions concerning boundary, not appealed against, to be valid notwithstanding informality.

22. Glebe lands may be exchanged, although no commutation be pending.

23. Act to be construed as part of 6 & 7 Will. 4, c. 71, &c.

24. Act may be amended, &c.

#### CAP. LXXIV.

An Act to encourage the Establishment of public Baths and Wash-houses.

[26th August, 1846.]

#### CAP. LXXV.

An Act to regulate joint-stock Banks in Scotland and Ireland.

[26th August, 1846.]

#### CAP. LXXVI.

An Act for the Abolition of the exclusive Privilege of Trading, or of regulating Trades, in Cities, Towns, or Boroughs in Ireland.

[26th August, 1846.]

#### CAP. LXXVII.

An Act to amend the Acts relating to the Offices of the House of Commons.

[26th August, 1846.]

#### CAP. LXXVIII.

An Act to authorise a further advance of Money out of the Consolidated Fund towards defraying the Expense of County Works presented in Ireland.

[26th August, 1846.]

#### CAP. LXXIX.

An Act to continue, until the 31st July, 1847, and to the End of the then Session of Parliament, an Act of the fifth and sixth Years of her present Majesty, for amending the Law relative to Private Lunatic Asylums in Ireland.

[26th August, 1846.]

#### CAP. LXXX.

An Act to authorise the Advance of Money out of the Consolidated Fund for carrying on Public Works and Fisheries, and Employment of the Poor.

[26th August, 1846.]

#### CAP. LXXXI.

An Act for regulating the Deduction at the Bank of England of Income Tax Duty in respect of certain Offices.

[26th August, 1846.]

#### CAP. LXXXII.

An Act to amend an Act of the present Session for authorising a Loan from the Consolidated Fund to the New Zealand Company.

[26th August, 1846.]

#### CAP. LXXXIII.

An Act to empower the Commissioners for the Issue of Loans for Public Works and Fisheries to make Loans in Money to the Commissioners of her Majesty's Woods, in lieu of Loans heretofore authorised to be made in Exchequer Bills.

[26th August, 1846.]

#### CAP. LXXXIV.

An Act to amend the Law concerning Lunatic Asylums and the Care of Pauper Lunatics in England.

[26th August, 1846.]

#### CAP. LXXXV.

An Act to authorise the Application of Money for the Purposes of Loans for carrying on Public Works in Ireland.

[26th August, 1846.]

## CAP. LXXXVI.

An Act to extend and consolidate the Powers hitherto exercised by the Commissioners of Public Works in Ireland, and to appoint additional Commissioners. [26th August, 1846.]

## CAP. LXXXVII.

An Act for promoting the voluntary Establishment in Boroughs and certain Cities and Towns in Ireland of public Baths and Wash-houses. — [26th August, 1846.]

## CAP. LXXXVIII.

An Act to remove Doubts as to the Legality of certain Assignments of Ecclesiastical Patronage. [26th August, 1846.]

Whereas, by an act passed in the 3 & 4 Vict. [c. 113], intitled "An Act to carry into effect, with certain Modifications, the Fourth Report of the Commissioners of Ecclesiastical Duties and Revenues," it is enacted, "that it shall not be lawful for any spiritual person to sell or assign any patronage or presentation belonging to him by virtue of any dignity or spiritual office held by him, and that every such sale or assignment shall be null and void to all intents and purposes;" and doubts have been entertained whether or not certain agreements and proceedings authorised under the several acts for the augmentation of the maintenance of the poor clergy, or under the church building acts, are to be deemed sales or assignments prohibited by the first-recited act; and it is expedient that such doubts be removed: Be it declared and enacted, &c., That no agreement or other proceeding touching any advowson or patronage, or right of presentation or nomination of any spiritual person to any cure or benefice, donative, or perpetual curacy, or to serve any church or chapel authorised by an act passed in the 1 Geo. 1, [c. 10], intitled, "An Act for making more effectual her late Majesty's gracious Intentions for augmenting the Maintenance of the Poor Clergy," or by an act passed for the amendment thereof, or by an act passed in the last session of Parliament, [c. 70], intitled, "An Act for the further Amendment of the Church Building Acts," or by any act recited therein, is or shall be deemed a sale or assignment such as is prohibited by the first-recited act; but that every such agreement or proceeding already or hereafter to be duly made and taken under the provisions of any of the said acts is and shall be deemed to have been, from the time of the making thereof, as good in law to all intents and purposes as if the first-recited act had not been passed.

2. That this act may be amended or repealed by any act to be passed in this session of Parliament.

## CAP. LXXXIX.

An Act to continue certain Acts for regulating Turnpike Roads in Ireland until the 31st Day of July, 1847, and to the End of the then Session of Parliament. [26th August, 1846.]

## CAP. XC.

An Act to prevent the Use of Stills by unlicensed Persons. — [26th August, 1846.]

## CAP. XCI.

An Act to continue certain Patent Commissions until the Expiration of the Commissions revoking them. — [26th August, 1846.]

## CAP. XCII.

An Act to provide for the Preparation, Audit, and Presentation to Parliament of annual Accounts of the Receipt and Expenditure of the Naval and Military Departments. [26th August, 1846.]

(To be continued).

The Hon. Sir Thomas Wilde, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas, has appointed Robert Hoyland, of Brierly, near Barnsley, in the county of York, Gent., to be one of the Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women, in and for the West Riding of the county of York.

## London Gazettes.

TUESDAY, SEPTEMBER 22.

## BANKRUPTS.

JOHN LAMONT, Wellclose-square, Middlesex, ship-owner and merchant, trader, dealer and chapman, Sept. 30 at 2, and Nov. 5 at 1, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Linklater, Leadenhall-street.—Fiat dated Sept. 14.

JOHN RICHARDS, jun., Reading, Berkshire, banker and money scrivener, Oct. 2 at half-past 2, and Nov. 2 at 1, Court of Bankruptcy, London: Off. Ass. Turquand; Sol. Holmes, Great James-street, Bedford-row.—Fiat dated Sept. 15.

WILLIAM EVANS, Piccadilly, Middlesex, draper, mercer, dealer and chapman, Oct. 7 at 1, and Nov. 5 at 2, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Lloyd, Milk-st., Cheap-side.—Fiat dated Sept. 14.

RICHARD BENBOW BRADLY, Bishopsgate-street Without, London, jeweller, cutler, and hardwareman, Oct. 2 at 2, and Nov. 2 at 11, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Lepard & Co., Cloak-lane.—Fiat dated Sept. 19.

PETER THORN, Castle-street, Leicester-sq., Middlesex, bottled ale and beer merchant, dealer and chapman, Sept. 30 and Oct. 29 at 11, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Philp, Great St. Helens.—Fiat dated Sept. 19.

WILLIAM ASTON, Lapley, Staffordshire, maltster and dealer in hops, dealer and chapman, Oct. 3 and 31 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Greatwood, Birmingham; Jackson, 2, Gray's-inn, London.—Fiat dated July 13.

GEORGE GRANT, Kidderminster, Worcestershire, tailor and victualler, Oct. 13 at 10, and Oct. 27 at half-past 12, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sol. Boycot, jun., Kidderminster.—Fiat dated Sept. 17.

EDWARD SWANWICK BOULT, Liverpool, stock and sharebroker, Oct. 6 and Nov. 3 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sols. Forshaw & Co., Liverpool; Humphries & Co., Gray's-inn-square, London.—Fiat dated Sept. 15.

JOHN ORANGE, Liverpool, boot and shoe maker, Oct. 6 at 1, and Nov. 3 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Casenove; Sols. Evans & Son, Liverpool; Oliver, Old Jewry, London.—Fiat dated Sept. 15.

WILLIAM LANCASTER, Liverpool, ship-owner and merchant, dealer and chapman, Oct. 6 and Nov. 3 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sols. Pemberton, Liverpool; Cornthwaite & Co., Old Jewry-chambers, London.—Fiat dated Sept. 15.

MATTHEW NORMAN the younger, Richmond, Yorkshire, cabinet maker, upholsterer, building contractor, dealer and chapman, Oct. 8 and Nov. 5 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sols. Harle & Clarke, Leeds; Jones & Co., John-street, Bedford-row, London.—Fiat dated Sept. 15.

EBENEZER HODGSON, Richmond, Yorkshire, ironmonger, dealer and chapman, Oct. 7 and Nov. 5 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Simpson, Richmond; Barr & Co., Leeds; Fidley, Temple, London.—Fiat dated Sept. 8.

## MEETINGS.

William Wreford, Edwin Cox Nicholls, and William E. Wreford, Bristol, stockbrokers, Oct. 6 at 11, District Court of Bankruptcy, Bristol, last ex.—John Russell, Kidderminster, Worcestershire, coal merchant, Oct. 15 at 10, District Court of Bankruptcy, Birmingham, last ex.—Wm. Brook, Manchester, and Goldsmith-street, London, stuff merchant, Oct. 6 at 11, District Court of Bankruptcy, Manchester, last ex.—John Richard Miskin, Chatham, Kent, tea dealer, Oct. 16 at 11, Court of Bankruptcy, London, and. ac.—Henry C. Langley, Suffolk-place, Hackney-road, Middlesex, apothecary, Oct. 14 at 11, Court of Bankruptcy, London, and. ac.—Joel Rudman, Bath, Somersetshire, oilman, Oct. 21 at 1, Court of Bankruptcy, London, and. ac.—Christopher Clarke, Goswell-road, and Cranbourn-street, Middlesex, draper, Oct. 21 at half-past 12, Court of Bankruptcy, London, and. ac.; Oct. 23 at 11, div.—Robert Weatherhog

and *Richard Weatherhog*, Stone, Kent, farmers, Oct. 21 at 12, Court of Bankruptcy, London, and ac.—*Wm. Bunday*, Stamford-cottages, Stamford-bridge, Fulham-road, Middlesex, builder, Oct. 21 at half-past 1, Court of Bankruptcy, London, and ac.—*Robert Nelson*, Great Portland-street, Middlesex, hotel keeper, Oct. 21 at 11, Court of Bankruptcy, London, and ac.; Oct. 2 at half-past 11, div.—*W. Mitchell*, Finsbury-place South, London, Upper Fitzroy-square, Middlesex, and Kent-street, Southwark, Surrey, furniture dealer, Oct. 21 at 2, Court of Bankruptcy, London, and ac.—*D. A. Morel*, Langham-place, St. Marylebone, Middlesex, dentist, Oct. 21 at half-past 11, Court of Bankruptcy, London, and ac.—*Thomas Knight*, Minories, London, draper, Oct. 23 at 12, Court of Bankruptcy, London, and ac.—*P. Garbanati*, Borroth's-cottage, Charlton-vale West, Woolwich, Kent, carver and gilder, Oct. 22 at 1, Court of Bankruptcy, London, and ac.—*Samuel Tippet*, Norwich, tailor, Oct. 23 at 1, Court of Bankruptcy, London, and ac.—*Edward Hodges*, Circus-street, Marylebone, Middlesex, wine merchant, Oct. 22 at 12, Court of Bankruptcy, London, and ac.—*Hugh Parker*, Offley Shore, John Brown, and John Rodgers, Sheffield, Yorkshire, bankers, Oct. 23 at 11, Town-hall, Sheffield, and ac.; Oct. 30 at 11, div.—*Ann Hall*, Manchester, innkeeper, Oct. 15 at 12, District Court of Bankruptcy, Manchester, and ac.; Oct. 16 at 12, div.—*Thomas Phillips*, Shrewsbury, Shropshire, hop merchant, Oct. 13 at 10, District Court of Bankruptcy, Birmingham, and ac.—*James Bird*, Club-row, Bethnal-green, Middlesex, timber merchant, Oct. 15 at 11, Court of Bankruptcy, London, div.—*Wm. M. Smithson*, Canterbury, printer, Oct. 15 at 1, Court of Bankruptcy, London, div.—*Henry Wilkins* and *John Wilkins*, London-wall, London, and Pirna, in the kingdom of Saxony, wool merchants, Oct. 15 at 12, Court of Bankruptcy, London, div.—*Chas. C. Barley*, Wisbeach St. Peter's, Isle of Ely, Cambridgeshire, grocer, Oct. 20 at 12, Court of Bankruptcy, London, div.—*G. W. Gee* and *J. F. Gee*, Leeds and Hornsforth, Yorkshire, drapers, Oct. 14 at 1, District Court of Bankruptcy, Manchester, div. joint and sep. est.—*James Taylor*, *Adam Adshhead*, *Silas Garner*, *Joseph Warren*, and *Wright Hulme*, Stockport, and *Wm. Barnes*, Ratcliffe-bridge, Lancashire, cotton manufacturers, Oct. 14 at 12, District Court of Bankruptcy, Manchester, fin. div.—*Wm. Rolfe*, Manchester, music seller, Oct. 14 at 12, District Court of Bankruptcy, Manchester, div.

#### CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

*John Waller*, Ipswich, Suffolk, grocer, Oct. 16 at 12, Court of Bankruptcy, London.—*Thos. Buttermere Waller*, Ipswich, Suffolk, grocer, Oct. 16 at 12, Court of Bankruptcy, London.—*Wm. Rouse*, Neptune-street, Rotherhithe, Surrey, biscuit baker, Oct. 16 at 12, Court of Bankruptcy, London.—*Fred. Clement Gray*, Melicent-cottages, Forest-row, Dalston, Middlesex, lodging-house keeper, Oct. 16 at half-past 12, Court of Bankruptcy, London.—*J. Rich. Miskin*, Chatham, Kent, tea dealer, Oct. 16 at 11, Court of Bankruptcy, London.—*Robert Spooner*, Buckingham-street, Middlesex, licensed victualler, Oct. 16 at 2, Court of Bankruptcy, London.—*Wm. Marshall Smithson*, St. Paul, near Canterbury, printer, Oct. 15 at 1, Court of Bankruptcy, London.—*Henry Elkington*, Maida-hill East, Middlesex, chymist, Oct. 23 at 1, Court of Bankruptcy, London.—*Benj. Louis Meyer Rothschild*, Great Queen-street, Lincoln's-inn-fields, Middlesex, diamond merchant, Oct. 21 at 2, Court of Bankruptcy, London.—*Dominique Andrew Morel*, Langham-place, St. Mary-le-bone, Middlesex, dentist, Oct. 21 at half-past 11, Court of Bankruptcy, London.—*Thos. Moger*, Holborn-hill, London, and Coventry-street, Haymarket, Middlesex, poultryer, Oct. 14 at half-past 11, Court of Bankruptcy, London.—*George Prince*, Romsey, Hampshire, wine merchant, Oct. 14 at 11, Court of Bankruptcy, London.—*Thos. Kempster*, Blackman-street, Southwark, Surrey, and Fenchurch-buildings, London, builder, Oct. 14 at 12, Court of Bankruptcy, London.—*Paul Garbanati*, Newman-street, Oxford-street, Middlesex, carver, Oct. 22 at 1, Court of Bankruptcy, London.—*Edward Hodges*, Circus-street, New-road, St. Mary-le-bone, Middlesex, wine merchant, Oct. 22 at 12, Court of Bankruptcy, London.—*Simon Puckering* and *Wm. Thomas Makins*, Kingston-upon-Hull, woollen merchants, Oct. 14 at 10, Town-hall, Kingston-upon-Hull.—*T. Plumley Derham*, Westbury-upon-Trym, Bristol, linendraper, Oct. 16 at 1, District Court of Bankruptcy,

Bristol.—*Wm. Watts*, Cheltenham, Gloucestershire, builder, Oct. 16 at 12, District Court of Bankruptcy, Bristol.—*James Hill*, Leeds, Yorkshire, sharebroker, Oct. 15 at 11, District Court of Bankruptcy, Leeds.—*Robert Bleakley*, Liverpool, bricklayer, Oct. 13 at 11, District Court of Bankruptcy, Liverpool.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Oct. 13.

*Robert A. Fitzhardinge Kingscote*, Sandgate, Kent, merchant.—*Joseph Scholes*, Blackley, Manchester, dealer and chapman.—*Charles Allen*, Tadley, Southampton, maltster.—*G. Longfield*, West Bromwich, Staffordshire, tailor.

#### FIAT ANNULLED.

*David Marks*, Houndsditch, London, pen manufacturer.

#### SECTOR SUGGESTIONS.

*James Smith*, Glasgow, manufacturer.—*R. & R. Watt*, Glasgow, merchants.

#### INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

*Wm. Greenwood*, Dewsbury, Yorkshire, small shopkeeper, Oct. 9 at 11, District Court of Bankruptcy, Leeds.—*Harry Blomfield*, Queen's-row, Walworth, Surrey, surveyor, Oct. 7 at 11, Court of Bankruptcy, London.—*Sarah Tiddell*, Archer-st., Haymarket, Westminster, Middlesex, out of business, Oct. 7 at 11, Court of Bankruptcy, London.—*John Nelson Truss*, Westmoreland-place, City-road, Shoreditch, Middlesex, watchmaker, Oct. 6 at 11, Court of Bankruptcy, London.—*John Ellis*, Castle-st., Leicester-square, Middlesex, foreman to a dealer in hams and beef, Oct. 22 at 11, Court of Bankruptcy, London.—*Jas. Kemp*, High-road, Tottenham, Middlesex, dealer in bread, Oct. 7 at 11, Court of Bankruptcy, London.—*Hendry Brown Cookman* the younger, Parkstone, near Poole, Dorsetshire, carpenter, Sept. 29 at 2, Court of Bankruptcy, London.—*Benj. Gardner*, Kensington Gravel Pits, Kensington, Middlesex, foreman to an eating-house keeper, Sept. 29 at 2, Court of Bankruptcy, London.—*Alex. Matheson*, Princes-st., Green-st., Stepney, Middlesex, clerk to the London Dock Company, Sept. 29 at 2, Court of Bankruptcy, London.—*Sam. Oakes*, Barthomley, Cheshire, farmer, Sept. 30 at 11, District Court of Bankruptcy, Liverpool.—*Wm. Henderson*, Belitha-terrace, Barnsley-park, Islington, Middlesex, bread and biscuit baker, Sept. 29 at 2, Court of Bankruptcy, London.—*Sam. Sower*, Wakefield, Yorkshire, tailor, Sept. 30 at 11, District Court of Bankruptcy, Leeds.—*Francis Deighton*, Burneston, Yorkshire, labourer, Sept. 30 at 11, District Court of Bankruptcy, Leeds.—*Ann Langdon*, Knottingley, near Pontefract, Yorkshire, schoolmistress, Sept. 30 at 11, District Court of Bankruptcy, Leeds.—*Robert Crook*, Heywood, near Rochdale, Lancashire, spindle maker, Sept. 29 at 12, District Court of Bankruptcy, Manchester.—*John Smith*, Sankey, in Warrington, Lancashire, attorney's clerk, Sept. 29 at 12, District Court of Bankruptcy, Manchester.—*Jonathan Constantine*, Hulme, Manchester, book-keeper, Oct. 1 at 12, District Court of Bankruptcy, Manchester.—*William Abbott*, Birmingham, plumber, Oct. 3 at 10, District Court of Bankruptcy, Birmingham.—*Job Eaton*, Darlaston, Staffordshire, iron-founder, Oct. 13 at 10, District Court of Bankruptcy, Birmingham.—*James Harrison*, Bloxwich, Walsall, Staffordshire, stirrup maker, Oct. 3 at 10, District Court of Bankruptcy, Birmingham.—*Edmund McKewen*, Liverpool, boarding-house keeper, Oct. 7 at 11, District Court of Bankruptcy, Liverpool.—*Wm. Perriam*, Exeter, master mariner, Oct. 6 at 11, District Court of Bankruptcy, Exeter.—*James Rutland*, Liverpool, working jeweller, Oct. 7 at 11, District Court of Bankruptcy, Liverpool.—*Wm. Bellamy*, Haseley, Warwickshire, farmer, Oct. 1 at half-past 11, District Court of Bankruptcy, Bristol.

Saturday, Sept. 19.

Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—

(On their own Petitions).

*Jemima Muggerdige*, North Audley-st., Grosvenor-square, Middlesex, bookseller: in the Debtors Prison for London and Middlesex.—*Sarah Louisa*, Mummy, near Alford, Lincolnshire, single woman: in the Gaol of Lincoln.—*Wm. Hughes*, Bryntonion Llysfaen, Carnarvonshire, quarryman: in the Gaol of Carnarvon.

## INSOLVENT DEBTOR'S DIVIDEND.

*James Ebenezer Whittenbury*, Pancras-lane, Bucklersbury, commission-agent, Oct. 25, Smith's, Basinghall-street, City: 9d. in the pound, (in addition to 4s. 3d. by former divs.).

FRIDAY, SEPT. 25.

## BANKRUPTCY.

**JOHN CRAMP**, Margate, Kent, cowkeeper, dairyman, dealer and chapman, Oct. 5 at half-past 1, and Nov. 9 at 11, Court of Bankruptcy, London: Off. Ass. Turquand; Sol. Goren, South Molton-street, Oxford-street.—Fiat dated Sept. 19.

**EDMUND GARBETT**, Skinner's-place, Sise-lane, London, banker, bill broker, scrivener, dealer and chapman, Oct. 7 at 2, and Nov. 5 at 1, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Owens & Andrews, 29, Moorgate-street, London.—Fiat dated Sept. 23.

**WILLIAM MILES MORLEY**, Bread-street, Cheapside, London, warehouseman, dealer and chapman, Oct. 8 at 1, and Nov. 5 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Hardwick & Davidson, Weaver's-hall.—Fiat dated Sept. 22.

**JOHN WALLACE FALSHAW**, Farringdon, Berkshire, grocer, dealer and chapman, Oct. 6 at half-past 1, and Nov. 10 at 1, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Norton & Son, 1, New-street, Bishopsgate.—Fiat dated Sept. 14.

**FREDERIC SHAW**, Manchester, victualler, eating-house keeper, dealer and chapman, Oct. 5 and 29 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Chew, Manchester; Gregory & Co., 1, Bedford-row, London.—Fiat dated Sept. 22.

**JAMES BRETT**, Spilaby, Lincolnshire, grocer and draper, dealer and chapman, Oct. 7 and 28 at 10, District Court of Bankruptcy, Kingston-upon-Hull: Off. Ass. Kynaston; Sols. Blackburn, Leeds; Jones, Sise-lane, London.—Fiat dated Sept. 8.

**WILLIAM MORGAN**, Treforest, near Cardiff, Glamorgan-shire, draper and grocer, dealer and chapman, Oct. 13 and Nov. 3 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sol. Grover, Cardiff.—Fiat dated Sept. 15.

**JAMES LEWIS**, Dawley-green, Shropshire, butcher, Oct. 13 and Nov. 3 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sol. Smith, Birmingham.—Fiat dated Sept. 19.

**WILLIAM CLEMONS**, Dawley-green, near Shifnal, Shropshire, victualler, dealer and chapman, Oct. 13 and Nov. 3 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sol. Smith, Birmingham.—Fiat dated Sept. 15.

**HEWSON DUTCHMAN**, Toxteth-park, near Liverpool, merchant and ship owner, Oct. 20 and Nov. 13 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Sols. Miller & Peel, Liverpool; Sharpe & Co., Bedford-row, London.—Fiat dated Sept. 15.

## MEETINGS.

*Eliz. Watson*, *Thos. Nelson*, *Geo. Nelson*, and *Geo. Cooke*, Love-lane, London, and Nottingham, hosiers, Oct. 8 at 12, District Court of Bankruptcy, Birmingham, ch. ass.—*Edmund B. Kilpin*, Ryde, Isle of Wight, Southampton, jeweller, Oct. 19 at 11, Court of Bankruptcy, London, aud. ac.—*John C. Hill*, Reading, Berkshire, grocer, Oct. 19 at 12, Court of Bankruptcy, London, aud. ac.—*John M. Stark*, Gainsborough, Lincolnshire, bookseller, Oct. 21 at 10, District Court of Bankruptcy, Kingston-upon-Hull, aud. ac.; Oct. 28 at 10, div.—*Benj. M. Burroughs*, Liverpool, ironmonger, Oct. 16 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*John Bishop*, Manchester, painter, Oct. 19 at 1, District Court of Bankruptcy, Manchester, aud. ac.—*Jas. S. Walters*, Bakewell, Derbyshire, surgeon, Oct. 20 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*Jas. R. Wood*, Failsworth, Manchester, varnish maker, Oct. 20 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*John Scott*, Newcastle-upon-Tyne, fruiterer, Oct. 20 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*Michael Oliver*, Longtown, Cumberland, innkeeper, Oct. 20 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*George Sax*, Stonecutter-street, Farringdon-street, London, livery-stable keeper, Oct. 17 at 1, Court of Bank-

ruptcy, London, div.—*Thos. Simmons*, Wooburn, Buckinghamshire, corn merchant, Oct. 16 at 1, Court of Bankruptcy, London, div.

## CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on the Day of Meeting.*

*Wm. Ashdown*, Chatham, Kent, ironmonger, Oct. 16 at 1, Court of Bankruptcy, London.—*Isaac Bird*, Harrow-on-the-Hill, Middlesex, grocer, Oct. 16 at 11, Court of Bankruptcy, London.—*John C. Hill*, Reading, Berkshire, grocer, Oct. 19 at 12, Court of Bankruptcy, London.—*Edw. Sewell*, Old Bond-street, Middlesex, hatter, dealer and chapman, Oct. 16 at half-past 12, Court of Bankruptcy, London.—*Edwin Buonaparte Smith*, Great Dover-road, Newington, Surrey, glass merchant, Oct. 16 at half-past 1, Court of Bankruptcy, London.—*John Biggs*, Houndsditch, London, undertaker, Oct. 16 at 12, Court of Bankruptcy, London.—*Thos. Court*, Brighton, Sussex, shoemaker, Oct. 16 at 11, Court of Bankruptcy, London.—*James Reid*, Newcastle-upon-Tyne, ship broker, Oct. 20 at half-past 10, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Wm. Wood*, Shrewsbury, Shropshire, wine merchant, Oct. 20 at 12, District Court of Bankruptcy, Birmingham.—*Peter Bury*, Manchester, calico printer, Oct. 19 at 1, District Court of Bankruptcy, Manchester.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Oct. 16.*

*Wm. Holdsworth*, Ripley, Yorkshire, apothecary.—*Wm. Heskin Osborn*, Leicester, out of business.—*Lewis George*, Ion-cottage, Downham-road, King'sland-road, Middlesex, shawl warehouseman.—*Wm. Morphew*, Sevenoaks, Kent, linendraper.—*J. Duff*, Upper-st., Islington, Middlesex, carpenter.—*Chas. Fred. Carne* and *Maurice Telo*, Liverpool, merchants.—*Thos. Bointon*, Pickering, Yorkshire, money scrivener.—*Jas. Smith Walters*, Bakewell, Derbyshire, surgeon.—*Abraham Stevens Syer*, Sudbury, Suffolk, grocer.—*J. Senior*, Salford, Lancashire, common brewer.—*Wm. Bradley*, Leeds, flax spinner.—*Geo. Wharf*, Boston, Lincolnshire, potato dealer.—*Chas. Ball*, Cheadle, Staffordshire, linendraper.—*Thos. Oakley*, St. Alban's, Hertfordshire, farmer.—*John Seaton*, Frickley-cum-Clayton, Yorkshire, farmer.—*C. H. Stonehouse*, Newport, Monmouthshire, ship broker.—*William Walker*, Eastwood, Staffordshire, dealer in potters' materials.—*James Martin*, Wood-st., Cheapside, London, fringe manufacturer.

## PARTNERSHIP DISSOLVED.

*George Vincent* and *John Sherwood*, King's Bench-walk, Inner Temple, London, attorneys at law, solicitors, agents, and conveyancers.

## SCOTCH SEQUESTRATION.

*John Maxton*, Leith-walk Foundry, near Edinburgh, founder.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Benj. Benjamin*, Upper Whitecross-st., Middlesex, cab driver, Sept. 30 at 2, Court of Bankruptcy, London.—*Jas. Norwington*, Leeds, tailor, Oct. 16 at 11, District Court of Bankruptcy, Leeds.—*Wm. Jackson*, Hopton, near Dewsbury, Yorkshire, fancy manufacturer, Oct. 16 at 11, District Court of Bankruptcy, Leeds.—*Thomas Taylor* and *Jonathan Taylor*, Northwram, Halifax, Yorkshire, worsted spinners, Oct. 16 at 11, District Court of Bankruptcy, Leeds.—*Edw. Ames Marchant*, Trowbridge, Wiltshire, cloth dresser, Oct. 2 at half-past 11, District Court of Bankruptcy, Bristol.—*John Peter Keenan*, Bedminster, Bristol, varnish manufacturer, Oct. 2 at 11, District Court of Bankruptcy, Bristol.—*Jane Heal*, Judd-street, St. Pancras, Middlesex, straw bonnet maker, Oct. 6 at 11, Court of Bankruptcy, London.—*The Reverend Richard Portman Burton*, A.B., Somersham, near Ipswich, Suffolk, clerk, Oct. 7 at 12, Court of Bankruptcy, London.—*John Wm. Smyth*, Cloak-lane, London, doctor of divinity, perpetual curate of Woolfardisworthy, Devonshire, Oct. 8 at 11, Court of Bankruptcy, London.—*Robert Pinnell*, Bristol, out of business, Oct. 1 at 12, District Court of Bankruptcy, Bristol.—*Robert Hasbrow*, Weston-street, Pentonville, Middlesex, journeyman carpenter, Oct. 8 at 11, Court of Bankruptcy, London.



Wednesday, Sept. 23.

Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—  
(On their own Petitions).

**Edward Heath**, Marston-street, Somers'-town, Middlesex, pipe maker: in the Debtors Prison for London and Middlesex.—**Stephen Fry**, Collier-street, Pentonville, Middlesex, furniture commission agent: in the Debtors Prison for London and Middlesex.—**Algernon Sydney Sparks**, Beaufort-buildings, Strand, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—**Isaac Paiba**, Bethnal-green-road, Bethnal-green, Middlesex, leather seller: in the Queen's Prison.—**Edw. Bartholomew**, Southampton-mews, Russell-square, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—**G. Cheetham**, Manchester, journeyman wheelwright: in the Gaol of Lancaster.—**William Rigg**, Rawden, near Leeds, Yorkshire, cloth manufacturer: in the Gaol of York.—**John Meakin**, Deansgate, Manchester, out of business: in the Gaol of Lancaster.—**Wm. Rowland**, Maltby, near Stockton, Yorkshire, labourer: in the Gaol of York.—**Shem Griffith**, Tanyffordd, Llysfaen, Carnarvonshire, quarryman: in the Gaol of Carnarvon.—**William Parson**, Bowdley, Worcestershire, bricklayer: in the Gaol of Worcester.

**TO THE PROFESSION.**—Accounts and Balance-sheets made up or investigated for the Master's Offices, the Bankruptcy Court, in cases of Arbitration or Awards, in Executor and Trusteeships, and all matters of Account settled arising out of Proceedings at Law or Equity, or connected with Commercial and other affairs. Books kept or made up periodically, as may be agreed, and Partnership Accounts adjusted as between Partners. The Accounts of Public Bodies and Receivers audited and arranged. Rents and other Monies collected.

Mr. Hentsch, Law and General Accountant, 17, New Bowtell-court, Lincoln's Inn.

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# The Jurist

No. 508—VOL. X.

OCTOBER 3, 1846.

PRICE 1s.

\* \* The following are the Names of the Gentlemen who favour THE JURIST with Reports of Cases argued and decided in the several Courts of Law and Equity:—

House of Lords .....	{ A. GORDON, Esq. of the Inner Temple, Barrister at Law.	Vice-Chancellor Wigram's Court .....	{ F. FISHER, Esq. of Lincoln's Inn, Barrister at Law.
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Vice-Chancellor Knight Bruce's Court .....	{ W. W. COOPER, Esq. of the Inner Temple, Barrister at Law.	Ecclesiastical and Admiralty Courts .....	{ J. P. DEANE, D.C.L. of Doctors Commons.
		Court of Review .....	{ W. W. COOPER, Esq. of the Inner Temple, Barrister at Law.

LONDON, OCTOBER 3, 1846.

IN our last Number but one, we made some observations upon the subject of international law, and alluded to the doctrines which have prevailed among foreign jurists relative to the fundamental rule, by which the force and obligation to be given by one state to the laws of others are to be determined. We proceed to-day to redeem our promise, of prosecuting the subject further, and to give an example of the difficulty of applying those doctrines to particular cases. The case we have selected is not uncommon one of a conflict of the laws of different countries as to the period of minority. We have already adverted to the division made by foreign jurists of laws into personal and real. All laws which have for their principal object the regulation of the capacity, state, and condition of persons, have been treated by them generally as personal laws, and, for the most part, held to be of absolute obligation everywhere, when they have once attached upon the person by the law of his domicile. Now, it is agreed that the laws which regulate majority and minority are personal laws; and, therefore, according to this doctrine, "a person who has attained the age of majority by the law of his native domicile, is to be deemed everywhere the same—of age; and, on the other hand, a person who is in minority by the law of his native domicile, is to be deemed everywhere in the same state and condition." This is the doctrine ordinarily laid down by foreign jurists, and if, in the distinction between personal and real laws, they had discovered the true foundation of international law, the practice of nations ought to be in accordance with it. Suppose, therefore, that there are two countries, in one of which the age of majority is fixed at twenty-five, and in the other at twenty-one, and that a man born in the latter country, and having lived there until he is twenty-two years of age, comes

into the former, and enters into a contract there. According to the rule above stated, he would be bound by it, though a citizen of the same age would not. Reverse the case, and suppose the contract to be made in the latter country by a man born in the former: can he plead his minority in the country of his birth against the contract being enforced? By the same rule, he may. And, upon general principles, it seems clear, that, if the law of the place of domicile is to prevail in one, it ought to prevail in both cases. When, however, we come to inquire what is the practice of nations, we find that a different rule has been adopted. They have held the contracts to be binding in both cases; in the one following the law of the domicile, in the other disregarding it. Upon what principle has this been done? Certainly not upon that of the personality or reality of laws. We must refer it to the axiom laid down by Huberus, mentioned in our former Number. In the words of Mr. Justice Story\*, "Each nation may well adopt for itself such modifications of the general doctrine as it deems most convenient and most in harmony with its own institutions and interests and policy. It may suffer the same rule, as to the capacity, state, and condition of foreigners, to prevail within its own territory, as it may in the place of their own native or acquired domicile; and it may at the same time refuse to allow any other rule than its own law to prevail within its own territory, in respect to the capacity, state, and condition of its own subjects, wherever they reside, at home or abroad. It may adopt a more limited doctrine, and recognise the law of the domicile, both as to foreigners and as to its own subjects, in respect to transactions and property in that domicile, whether native or acquired; and, at the same time, exclude any operation, except of its own law,

\* Conflict of Laws, § 73.

as to the transactions and property either of foreigners or of its own subjects within its own territory. It may adopt the more general doctrine, and allow the rule of the actual domicile, as to capacity, state, and condition, to prevail under every variety of change of domicile; or, on the other hand, it may adhere to the stricter doctrine, that the domicile of birth shall exclusively furnish the rule to govern in all such matters. But whatever rules it may adopt, or whatever it may repudiate, will be alike the dictate of its own policy and sense of justice; and whatever it may allow or withhold will always be measured by its own opinion of the public convenience and benefit, or of the public prejudice and injury resulting therefrom." Acting upon this, the laws of England and America refuse to allow

a foreigner, who enters into a contract there when of age at which, according to them, minority has ceased, to avoid it, by alleging that he was a minor and incompetent to contract according to the law of his own country. Their policy and sense of justice have led them to adopt the maxim, that every man is bound to know the laws of a country in which he enters into a contract, and to presume that he has contracted with reference to those laws. Whether, in this, they are right or wrong, no court has power to decide. There seems, however, good reason for thinking it to be right, as we shall see when we come to examine the laws as to marriage, so far as they are connected with the law as to majority and minority. Suppose the contract we have been speaking of to be a contract of marriage, is it binding or not? How far is the marriage valid? It is well known, that, by our law, a foreign marriage, valid according to the law of the place where celebrated, is good everywhere else. The contract is to be tried by the law of the place where it is made. If, by that, the parties are competent to contract, the marriage is valid, though, by the law of their domicile, they are incompetent. This is said to be by the consent of all nations, to prevent the mischief and confusion which would arise from a contrary doctrine. It has, on various occasions, been formally promulgated by our courts, especially by Lord Stowell in the well-known case of *Dalrymple v. Dalrymple*, (2 Hagg. Consist. Rep. 54), and the doctrine recognised by our law as the rule of the *jus gentium*, in regard to contracts generally, and especially in regard to the contracts of marriage, is very different from that of foreign jurists; that laws which have for their principal object the regulation of the capacity, state, and condition of persons are of absolute obligation everywhere, when they have once attached upon the person by the law of his domicile. The principal instances of this have been contracts of marriage; but there have been cases in which, as to other contracts made by minors, a similar rule has prevailed. The American courts have adopted the same doctrine in relation to contracts generally, and especially marriage contracts, as appears from the cases cited by Mr. Justice Story in his valuable work. We have now not merely given an example of the difficulty of applying the doctrines of foreign jurists in the particular case of laws as to minority, but have shewn them to be inapplicable in that case. But, on the other hand, we may observe, that, in the doctrine which, by the laws of England and America at least, if not by those of other countries, ap-

pears to be recognised as the *jus gentium* in relation to contracts generally, and contracts of marriage especially, we can perceive no traces of the paramount moral duty which, as we have remarked, some writers appear inclined to contend for. No allusion is made to it by the learned and able men by whose decisions the doctrine has been illustrated and supported, but they have rested it upon the axiom of Haberuz, as more fully stated by Mr. Justice Story in the passage we have quoted.

## PUBLIC GENERAL STATUTES.

9 & 10 VICTORIA.—SESSION 6.

(Continued from p. 365).

### CAP. XCIII.

An Act for compensating the Families of Persons killed by Accidents. [26th August, 1846.]

- Sect. 1. *An Action to be maintainable against any Person causing Death through Neglect, &c., notwithstanding the Death of the Person injured.*
2. *Action to be for the Benefit of certain Relations, and shall be brought by and in the Name of Executor or Administrator of the Deceased.*
  3. *Only one Action shall lie, and to be commenced within twelve Months.*
  4. *Plaintiff to deliver a full Particular of the Person for whom such Damages shall be claimed.*
  5. *Construction of Act.*
  6. *Act to take effect after passing, and not to apply to Scotland.*
  7. *Act may be amended, &c.*

Whereas no action at law is now maintainable against a person who, by his wrongful act, neglect, or default, may have caused the death of another person, and it is oftentimes right and expedient that the wrongdoer in such case should be answerable in damages for the injury so caused by him: Be it therefore enacted, &c., that whosoever the death of a person shall be caused by wrongful act, neglect, or default, and the act, neglect, or default is such as would (if death had not ensued) have entitled the party injured to maintain an action and recover damages in respect thereof, then and in every such case the person who would have been liable if death had not ensued shall be liable to an action for damages notwithstanding the death of the person injured, and although the death shall have been caused under such circumstances as amount in law to felony.

2. That every such action shall be for the benefit of the wife, husband, parent, and child of the person whose death shall have been so caused, and shall be brought by and in the name of the executor or administrator of the person deceased; and in every such action the jury may give such damages as they may think proportioned to the injury resulting from such death to the parties respectively for whom and for whose benefit such action shall be brought; and the amount so recovered, after deducting the costs not recovered from the defendant, shall be divided amongst the before-mentioned parties, in such shares as the jury by their verdict shall find and direct.

3. Provided always, and be it enacted, That not more than one action shall lie for and in respect of the same subject-matter of complaint; and that every such action shall be commenced within twelve calendar months after the death of the deceased person.

4. That in every such action the plaintiff on the record shall be required, together with the declaration, to deliver to the defendant or his attorney a full particular of the person or persons for whom and on whose behalf such action shall be brought, and of the nature of the claim in respect of which damages shall be sought to be recovered.

5. That the following words and expressions are intended to have the meanings hereby assigned to them respectively, so far as such meanings are not excluded by the context or by the nature of the subject-matter; that is to say, words denoting the singular number are to be understood to apply also to a

plurality of persons or things; and words denoting the masculine gender are to be understood to apply also to persons of the feminine gender; and the word "person" shall apply to bodies politic and corporate; and the word "parent" shall include father and mother, and grandfather and grandmother, and stepfather and stepmother; and the word "child" shall include son and daughter, and grandson and granddaughter, and stepson and stepdaughter.

6. That this act shall come into operation from and immediately after the passing thereof, and that nothing therein contained shall apply to that part of the United Kingdom called Scotland.

7. That this act may be amended or repealed by any act to be passed in this session of Parliament.

## CAP. XCIV.

An Act to enable the Legislatures of certain British Possessions to reduce or repeal certain Duties of Customs.

[26th August, 1846.]

## CAP. XCV.

An Act for the more easy Recovery of Small Debts and Demands in England.

[28th August, 1846.]

Sect. 1. *Her Majesty may order this Act to be put in execution.*

2. *Counties to be divided into Districts.*
3. *Courts held under this Act to have the same Jurisdiction as County Courts, and to be Courts of Record.*
4. *Preserving the Jurisdiction of County Courts.*
5. *Her Majesty may order any Court under Acts in Schedules (A.) and (B.) to be held as a County Court, and may assign a District to the same.*
6. *When a Court shall be established under this Act, recited Acts, and all other Acts affecting its Jurisdiction, repealed.*
7. *Proceedings under former Acts to be valid.*
8. *Orders in Council to be published in the London Gazette.*
9. *Appointment and Qualification of Judges. Provision as to Attorneys acting as Judges under Acts cited in Schedules (A.) and (B.).*
10. *Judges at present acting in the Courts of Bath, Bristol, Liverpool, and Manchester entitled to the first Appointment under this Act for those Places.*
11. *Stewards of the Manors of Sheffield and Ecclesall appointed under 48 Geo. 3, c. 103, to be the first Judges under this Act for those Districts.*
12. *The present County Clerk of Middlesex, appointed under 23 Geo. 2, c. 33, to be the first Judge under this Act, and may continue to appoint a Deputy, subject to Approval of Secretary of State. Present Registrar to be the first Clerk.*
13. *Provisions for certain Lords of Manors having Rights of Appointment under the Acts hereby repealed.*
14. *Lords of Manors, &c. may surrender Courts, with Consent of Persons interested.*
15. *Appointments of Judges who have previously officiated in any County Court, not subject to 5 & 6 Vict. c. 122.*
16. *For supplying Vacancies among the Judges of the County Court.*
17. *Judges not to practise as Barristers in their Districts, except in certain Cases.*
18. *Judges of the County Court removable for Inability, &c.*
19. *Districts of Judges may be changed.*
20. *As to the Appointment of a Deputy to a Judge.*
21. *Judges may act as Justices if in the Commission of the Peace.*
22. *Judges, &c. appointed under this Act authorised to perform certain Duties relating to Matters depending in the Court of Chancery.*
23. *Treasury to appoint Treasurers of Courts holden under this Act.*
24. *Appointment of Clerks vested in Judges, subject to Approval of Lord Chancellor.*

25. *In populous Districts, Lord Chancellor may direct two Clerks to be appointed.*
26. *In case of Illness, &c. of Clerk, a Deputy may be appointed.*
27. *Duties of Clerks.*
28. *Offices of Clerk, Treasurer, and Bailiff not to be conjoined.*
29. *Officers not to act as Attorneys in the Court.*
30. *Penalty of 50l. on Non-observance of the two previous Enactments.*
31. *Appointment of Bailiffs.*
32. *Provision for the High Bailiffs of Westminster and Southwark.*
33. *Duties of the High Bailiffs, &c.*
34. *Provision respecting Clerks and High Bailiffs of Courts under Act, cited in Schedules (A.) and (B.).*
35. *Provision respecting the Officers of the two Courts at Bristol.*
36. *Treasurers, Clerks, and High Bailiffs to give Security.*
37. *Fees to be taken according to Schedule (D.), and Tables to be exhibited in conspicuous Places. Fees may be reduced. Appropriation of surplus Fees.*
38. *Compensation for Persons whose Rights or Emoluments will be diminished.*
39. *Officers of Courts may be paid by Salaries instead of Fees. If Court abolished, no Compensation allowed, except in certain Cases.*
40. *Limiting Amount of Salaries to be paid under this Act.*
41. *Fees and Fines to be accounted for to Treasurer.*
42. *Clerk's Accounts to be audited and settled by Treasurers.*
43. *Treasurer of the Court to render Accounts to Audit Board.*
44. *Commissioners of Treasury to direct how Balances shall be applied.*
45. *Accounts of Treasurers to be audited under Powers of 25 Geo. 3, c. 52.*
46. *Clerk to send to Commissioners of Audit an Account of all Sums paid by him to Treasurer.*
47. *Accounts when audited to be sent to Treasury.*
48. *Treasurers, with Approval of Secretary of State, to provide Court-houses, Offices, &c.*
49. *Where common Gaols are inconvenient, Prisons belonging to Courts under Acts cited in Schedules (A.) and (B.) may be used.*
50. *Power for purchasing Land.*
51. *Treasurer empowered to borrow Money for the Purpose of this Act.*
52. *A general Fund to be raised for paying off Money borrowed.*
53. *Property of Courts in Schedules (A.) and (B.) to vest in the Treasurer of the County Court.*
54. *Provisions for outstanding Liabilities.*
55. *Clerks to have the Charge of the Court-houses, &c., and to appoint and dismiss Servants, &c.*
56. *Judge to hold the Court where her Majesty shall direct. Notices for holding Courts to be put up in a conspicuous Place.*
57. *Process of the Court to be under Seal.*
58. *Jurisdiction of the Court.*
59. *Suits to be by Plaintiff.*
60. *Summons may issue, though Cause of Action may not arise in the District.*
61. *Processes out of District of Court may be served by Bailiff of any other Court.*
62. *Proof of Service of Process out of the District, or in the Absence of the Bailiff.*
63. *Demands not to be divided for the Purpose of bringing two or more Suits.*
64. *Minors may sue for Wages.*
65. *Cases of Partnership and Intestacy.*
66. *Executors may sue and be sued.*
67. *No Privilege allowed.*
68. *One of several Persons liable may be sued.*
69. *Judge alone to determine all Questions, unless a Jury be summoned.*
70. *Actions may be tried by a Jury when Parties require it.*

71. *Party requiring Jury to make a Deposit.*
72. *Who shall be Jurors.*
73. *Number of the Jury.*
74. *Proceedings on hearing the Plaintiff.*
75. *No Evidence to be given that is not in Summons.*
76. *Notices to be given to the Clerk of special Defences, who shall communicate the same to the Plaintiff.*
77. *Suits may be settled by Arbitration.*
78. *Forms of Procedure in Courts to be framed by the Judges.*
79. *Proceedings if Plaintiff does not appear or prove his Case.*
80. *Proceedings if the Defendant does not appear.*
81. *Judge may grant Time.*
82. *Defendant may pay Money into Court. Notice of such Payment to be given to Plaintiff.*
83. *Parties and others may be examined.*
84. *Persons giving false Evidence guilty of Perjury.*
85. *Summonses to Witnesses.*
86. *Penalty on Witnesses neglecting Summons.*
87. *Fines, how to be enforced and accounted for.*
88. *Costs to abide the Event of the Action.*
89. *Judgments, how far final.*
90. *No Actions to be removed into Superior Courts but on certain Conditions.*
91. *Who may appear for any Party in the Superior Courts.*
92. *Court may make Orders for Payment by Instalments.*
93. *Cross Judgments.*
94. *Court may award Execution against Goods.*
95. *Execution not to issue till after Default in Payment of some Instalment, and then it may issue for the whole Sum due.*
96. *What Goods may be taken in Execution.*
97. *Securities seized to be held by High Bailiff.*
98. *Parties having obtained an unsatisfied Judgment may obtain a Summons on Charge of Fraud.*
99. *Commitment for Frauds, &c.*
100. *Power of Judge to rescind or alter Orders.*
101. *Power to examine and commit at Hearing of the Cause.*
102. *Mode of issuing and executing Warrants of Commitment.*
103. *Imprisonment not to operate as a Satisfaction for the Debt, &c.*
104. *How Execution may be had out of the Jurisdiction of the Court.*
105. *Power to Judge to suspend Execution in certain Cases.*
106. *Regulating the Sale of Goods taken in Execution.*
107. *As to the Liability of Goods taken in Execution under 8 Anne, c. 17. Landlords may claim certain Rents in arrear. Bailiffs making Levies may distrain for Rent and Costs. In case of Replevins.*
108. *No Execution shall be stayed by Writ of Error.*
109. *Execution to be superseded on Payment of Debt and Costs.*
110. *Debtor to be discharged from Custody upon Payment of Debt and Costs.*
111. *Minutes of Proceedings to be kept.*
112. *Suitors' Money unclaimed in six Years to go to General Fund.*
113. *Power of Commitment for Contempt.*
114. *Penalty for assaulting Bailiffs, or rescuing Goods taken in Execution.*
115. *Bailiffs made answerable for Escapes, and Neglect to levy Execution.*
116. *Remedies against, and Penalties on, Bailiffs and other Officers for Misconduct.*
117. *Penalty on Officers taking Fees besides those allowed.*
118. *Claims as to Goods taken in Execution to be adjudicated in Court.*
119. *Actions of Replevin may be brought without Writ.*
120. *Plaints where to be entered.*
121. *How Actions of Replevin may be removed.*
122. *Possession of small Tenements may be recovered by Plaintiff in County Court. If Tenant, &c. neglect to appear, or refuse to give Possession, Judge*

*may, on Proof of Service of Summons, issue a Warrant to enforce the same.*

123. *The Manner in which such Summons shall be served.*
  124. *Judges, Clerks, Bailiffs, or other Officers not liable to Actions on account of Proceedings taken.*
  125. *Where Landlord has a lawful Title, he shall not be deemed a Trespasser by reason of Irregularity.*
  126. *How Execution of Warrant of Possession may be stayed.*
  127. *Proceedings on the Bond for staying Warrant of Possession, &c.*
  128. *Concurrent Jurisdiction with Superior Courts.*
  129. *As to Actions brought for Small Debts in Superior Courts.*
  130. *Penalties and Costs to be recovered before a Justice, and levied by Distress.*
  131. *In default of Security, Offender may be detained till Return of Warrant of Distress.*
  132. *In default of Distress, Offender may be committed.*
  133. *Penalties not otherwise applied, to be paid into the General Fund.*
  134. *Justices may proceed by Summons in the Recovery of Penalties.*
  135. *Form of Conviction.*
  136. *Proceedings not invalid for want of Form.*
  137. *Distress not unlawful for want of Form.*
  138. *Limitation of Actions for Proceedings in Execution of this Act.*
  139. *Provision for the Protection of Officers of the Court.*
  140. *Act not to affect Rights of Universities of Oxford or Cambridge.*
  141. *Nothing to affect the Courts of the Wardens of the Stannaries.*
  142. *Interpretation of Act.*
  143. *Act may be amended, &c.*
- Schedules.*

Whereas sundry acts of Parliament have been passed from time to time for the more easy and speedy recovery of small debts within certain towns, parishes, and places in England: and whereas, by an act passed in the eighth year of the reign of her Majesty, (7 & 8 Vict. c. 96), intituled "An Act to amend the Laws of Insolvency, Bankruptcy, and Execution," arrest upon final process in actions of debt not exceeding 20l. was abolished, except as to certain cases of fraud and other misconduct of the debtors therein mentioned: and whereas, by an act passed in the ninth year of the reign of her said Majesty, (8 & 9 Vict. c. 127), intituled "An Act for the better securing the Payment of Small Debts," further remedies were given to judgment creditors, in respect of debts not exceeding 20l., for the discovery of the property of debtors, and punishment of frauds committed by them: and whereas, by the last-mentioned act, her Majesty is enabled, with the advice of her Privy Council, to extend the jurisdiction of certain courts of requests and other courts for the recovery of small debts to all debts and demands, and all damages arising out of any express or implied agreement, not exceeding 20l., and also to enlarge and, in certain cases, to contract the district of such courts, and make certain other alterations in the practice of such courts, in manner in the now reciting act mentioned; and it is expedient that the provisions of such acts should be amended, and that one rule and manner of proceeding for the recovery of small debts and demands should prevail throughout England: and whereas the county court is a court of ancient jurisdiction, having cognizance of all pleas of personal actions to any amount, by virtue of a writ of justices issued in that behalf; and whereas the proceedings in the county court are dilatory and expensive, and it is expedient to alter and regulate the manner of proceeding in the said courts for the recovery of small debts and demands, and that the courts established under the recited acts of Parliament, or such of them as ought to be continued, should be holden after the passing of this act as branches of the county court, under the provisions of this act: and that power should be given to her Majesty to effect these changes at such times and in such manner as may be deemed expedient by her Majesty, with the advice of her Privy Council: be it enacted, &c., that it shall be lawful for her Majesty, with the advice of her Privy Council, from time to time to order that this act shall be put in force in such county or counties as

to her Majesty, with the advice aforesaid, from time to time shall seem fit; and this act shall extend to those counties concerning which any such order shall have been made, and not otherwise or elsewhere: Provided always, that no court shall be established under this act in the city of London.

2. That it shall be lawful for her Majesty, with the advice aforesaid, to divide the whole or part of any such county, including all counties of cities and counties of towns, cities, boroughs, towns, ports, and places, liberties and franchises therein contained, or thereunto adjoining, into districts, and to order that the county court shall be holden for the recovery of debts and demands under this act in each of such districts, and from time to time to alter such districts as to her Majesty, with the advice aforesaid, shall seem fit, and to order from time to time that the number of districts in and for which the court shall be holden shall be increased, until the whole of such county shall be within the provisions of this act, and, with the advice aforesaid, to alter the place of holding any such court, or to order that the holding of any such court be discontinued, or to consolidate any two or more of such districts, and from time to time, with the advice aforesaid, to declare by what name and in what towns and places the county court shall be holden in each district; and, if it shall appear to her Majesty that any part of any county, liberty, city, borough, or district may conveniently be declared within the jurisdiction of the county court of an adjoining county, it shall be lawful for her Majesty, with the advice aforesaid, to order that such part shall be taken to be within the jurisdiction of the county court holden for the purposes of this act for such adjoining county in and for such district as her Majesty shall order, in like manner as if it were part of such adjoining county.

3. That every court to be holden under this act shall have all the jurisdiction and powers of the county court for the recovery of debts and demands, as altered by this act, throughout the whole district for which it is holden, and there shall be a judge for each district to be created under this act, and the county court may be holden simultaneously in all or any of such districts; and every court holden under this act shall be a court of record.

4. That, for all purposes except those which shall be within the jurisdiction of the courts holden under this act, the county court shall be holden as if this act had not been passed; and all proceedings commenced in the county court of any county before the time when any court shall be holden under this act in such county may be continued, executed, and enforced against all persons liable thereunto, in the same manner as if they had been commenced under the authority of this act.

5. That it shall be lawful for her Majesty, with the advice of her Privy Council, to order that any court holden for the recovery of small debts or demands within the provisions of any act cited in either of the Schedules annexed to this act, and marked (A.) and (B.) respectively, shall be holden as a county court; and it shall be lawful for her Majesty, with the advice aforesaid, to assign a district to every such court, either greater or less than the district in which the court holden under the provisions of any such act now has jurisdiction, and to alter the place of holding any such court, or to order that any such court be abolished; and every such court shall continue to be holden under the act, according to which it is now constituted or regulated, until the time mentioned in any such order which shall be made with reference to such court; and, from and after the time mentioned in any such order, the act or acts under which such court is now constituted, so far as the same relate to the establishment or jurisdiction or practice of a court for the recovery of small debts or demands, shall be repealed, but not so as to revive any act thereby repealed; and such court so ordered to be holden as a county court shall thenceforth be holden as a county court under this act, and in all respects as if it had been originally constituted under the provisions of this act.

6. That, as soon as a court shall have been established in any district under this act, and also at the time mentioned in any such order which shall have been made as aforesaid for holding any of the courts mentioned in either of the said schedules as a county court under this act, the several provisions and enactments of the said acts of Parliament of the eighth and of the ninth year of the reign of her Majesty, and of every other act of Parliament heretofore passed, so far as

the same respectively relate to or affect the jurisdiction and practice of the court so established or ordered to be holden as a county court, or give jurisdiction to any court, or to any commissioner of the Court of Bankruptcy, with respect to judgments or orders obtained in the court so established or ordered to be holden as a county court, shall be repealed.

7. Provided always, that all proceedings in execution of the said acts, or any of them, commenced before the passing of this act, or before the days severally appointed for the alteration of the constitution of the said courts, shall be as valid, to all intents and purposes, as if this act had not been passed, or as if the said courts had not been altered, and may be continued, executed, and enforced against all persons liable thereto, in the same manner as if they had been commenced under the authority of this act.

8. That any order in council made for the purposes of this act shall be published in the London Gazette; and notice of the intention of her Majesty to take into consideration the propriety of making any such order shall be published in the London Gazette one calendar month at least before any such order shall be made.

9. That the Lord Chancellor shall appoint as many fit persons as are needed to be judges of the county court under this act, each of whom shall be a barrister at law who shall be of seven years' standing, or who shall have practised as a barrister and special pleader for at least seven years, or a barrister or attorney at law, who, under the provisions of any of the acts cited in the said Schedules (A.) and (B.), or under the provisions of either of the said acts of the eighth year and of the ninth year of the reign of her Majesty, shall have been nominated or appointed to preside in or hold any court constituted or held under any of the acts cited in either of the said Schedules (A.) and (B.), whether by the title of judge or barrister, or county clerk, assessor, or steward, or deputy steward, or by any other title or style whatsoever, or a person filling the office of judge of the county court, or county clerk, in the same county, at the time of the passing of this act: Provided always, that every attorney at law who shall be appointed a judge of the county court under this act, and who shall be the partner of any other attorney at law, shall, within twelve calendar months next after entering on the said office of judge of the county court, dissolve such partnership, or vacate the said office of judge, and shall not, during his continuance as such judge, enter into any new partnership; and that no attorney at law who shall be appointed a judge of any county court under this act shall be, either by himself or his partner, employed or act as town clerk, or clerk of the peace of any county, city, or borough, or as clerk to any bench of justices, or as clerk or secretary to any board of guardians or governors or directors of the poor, or of any vestry or local or parochial board of trustees or commissioners, or of any public company or corporation whatsoever, or directly or indirectly concerned as attorney or agent for any party in any court regulated by this act, or, after the expiration of the said term of twelve calendar months, in any other court of law or equity.

10. Judges at present acting in the courts of Bath, Bristol, Liverpool, and Manchester entitled to the first appointment under this act for those places.

11. Stewards of the manors of Sheffield and Ecclesall appointed under 48 Geo. 3, c. 103, to be the first judges under this act for those districts.

12. The present county clerk of Middlesex, appointed under 23 Geo. 2, c. 33, to be the first judge under this act, and may continue to appoint a deputy, subject to approval of the Secretary of State. Present registrar to be the first clerk.

13. Provisions for certain lords of manors having rights of appointment under the acts hereby repealed.

14. That it shall be lawful for the lord of any hundred, or of any honor, manor, or liberty, having any court in right thereof in which debts or demands may be recovered, to surrender to her Majesty the right of holding such court (for any such purpose, with the consent of any steward or other officer, if any, having a freehold office in such court), or upon the next vacancy in any such freehold office; and from and after such surrender such court shall be discontinued, and the right of holding such court shall cease, and all proceedings commenced in such court may thereafter be continued, and shall be enforced and executed, as if they had been commenced under the authority of this act in a county court holden for the dis-

district in which the cause of action arose; but no person shall be entitled to claim any compensation under this act by reason of any such surrender: Provided always, that the surrender of the right of holding any such court for the recovery of debts and demands shall not be deemed to infer the surrender or loss of any other franchise incident to the lordship of such hundred, honor, manor, or liberty, and that the court thereof may be held for all other purposes, if any, incident thereto, as now by law it may.

15. That the appointment of any person who at the passing of this act shall by any of the titles hereinbefore specified preside in or hold any court constituted or held under any of the acts cited in either of the said Schedules (A.) and (B.), to be the judge of any county court, shall not be deemed an appointment to hold a public office or employment within the meaning of an act passed in the 5 & 6 Vict. [c. 122], intitled, "An Act for the Amendment of the Law of Bankruptcy," so as to deprive him of any compensation to which he may be entitled under the said act.

16. That from time to time, when any judge appointed under this act shall die, resign, or be removed, and the district for which he was appointed shall not be consolidated with any other district, another judge shall be appointed, who shall be a barrister at law who shall be of seven years' standing, or who shall have practised as a barrister and special pleader for at least seven years, or who shall have been the county clerk of the same county at the time of the passing of this act; and every such appointment shall be made by the Lord Chancellor, or, where the whole of the district is within the Duchy of Lancaster, by the Chancellor of the Duchy of Lancaster.

17. That no judge appointed under this act shall during his continuance as such judge practise as a barrister within the district for which his court is held under this act, except those barristers already appointed to preside in or hold the said courts in Bath, Bristol, Liverpool, Manchester, Sheffield, Ecclesall, and Middlesex, and now practising in chambers as conveyancing counsel, who may continue such practice.

18. That it shall be lawful for the said Lord Chancellor, or, where the whole of the district is within the duchy of Lancaster, for the chancellor of the said duchy, if he shall think fit, to remove for inability or misbehaviour any such judge already appointed or hereafter to be appointed.

19. Provided always, that it shall be lawful for the Lord Chancellor or chancellor of the said duchy, within their several jurisdictions, to remove any judge from any district to which he shall have been appointed, for the purpose of appointing him to any other district in which the salary of such judge shall not be less than in the district from which he shall be so removed.

20. That in case of illness or unavoidable absence, the cause whereof shall be entered on the minutes of the court, it shall be lawful for the judge appointed to hold any court under this act, or, in case of the inability of the judge to make such appointment, for the Lord Chancellor, or, where the whole of the district is within the duchy of Lancaster, for the chancellor of the duchy, to appoint some other person, who shall be a judge appointed under this act, or who shall have practised as a barrister at law for at least three years, or as an attorney of one of her Majesty's superior courts of common law for ten years, but not then residing or practising as an attorney in the district for which the court is holden, to act as the deputy of such judge during such illness or unavoidable absence; and it shall also be lawful for the judge, with the approval of the said Lord Chancellor or chancellor of the duchy, to appoint a deputy, who shall be a judge appointed under this act, or who shall have practised as a barrister at law for at least three years, to act for him for any time or times not exceeding in the whole two calendar months in any consecutive period of twelve calendar months; and every deputy so appointed, during the time for which he shall be so appointed, shall have all the powers and privileges and perform all the duties of the judge for whom he shall have been so appointed.

21. That every judge of the county court whose name shall be inserted by her Majesty in any commission of the peace for the county, riding, or division of a county for which he is appointed judge of the county court may and shall act in the execution of the office of justice of the peace for the said county, riding, or division, although he may not have such qualification by estate or interest in lands, tenements, and heredita-

ments as is required by law in the case of other persons being justices of the peace for a county, provided that he be not disqualified by law to act as a justice of the peace for any other cause or upon any other occasion than in respect of the want of such an estate or interest as aforesaid.

22. That the judges and other officers to be appointed under this act shall be authorised and required to perform all such duties in or relating to any causes or matters depending in the high Court of Chancery, or before any judge thereof, or before the Lord Chancellor in the exercise of any authority belonging to him, necessary or proper to be done in their respective districts, as the Lord Chancellor shall from time to time by any general order direct, and for this purpose, and subject to the general rules and orders of the said court, shall have and exercise all such authorities as may be duly exercised by the commissioners or other officers of the said court by whom such duties are now usually performed, and shall be entitled to receive the same fees and sums of money as are now payable in respect thereof, to be accounted for and applied by them as the other fees authorised by this act to be received are directed to be accounted for and applied: Provided always, that the future amount of such fees shall continue subject to the same authority for revising the same to which it is now subject.

23. That the commissioners of her Majesty's Treasury of the United Kingdom of Great Britain and Ireland shall appoint so many persons as they shall think fit to be treasurers of the courts holden under this act, and may remove any such treasurer, if they shall see occasion so to do, and appoint another person in his room; and every such treasurer shall be paid by salary in such manner and to such amount as the said commissioners from time to time shall order; and the salary of every such treasurer shall be paid out of the consolidated fund of the United Kingdom of Great Britain and Ireland: Provided always, that the person appointed or acting as treasurer before the passing of this act to any court holden under any act cited in either of the said Schedules (A.) and (B.), if not disqualified under this act, shall be entitled to be the first treasurer of the same court respectively, when holden as a county court under this act, in every case in which a separate treasurer shall be appointed exclusively for such court, and shall in such case continue to exercise his office, subject to the power of removal provided in this act.

24. That for every court under the authority of this act there shall be a clerk, who shall be an attorney of one of her Majesty's superior courts of common law, and whom the judge shall be empowered to appoint, subject to the approval of the Lord Chancellor, and, in case of inability or misbehaviour, to remove, subject to the like approval; and, until otherwise directed by her Majesty, with the advice of her Privy Council, every such clerk shall be paid by fees as hereinafter provided; and in cases requiring the same such assistant clerks as may be necessary shall be provided and paid by the clerk of the court.

25. That it shall be lawful for the Lord Chancellor, in populous districts in which it shall appear to him expedient, to direct that two persons shall be appointed to execute jointly the office of clerk, under such regulations as to the division of the duties and emoluments of the said office as shall be from time to time made by order of court in case of difference between them, each of such persons being qualified as is hereinbefore provided in the case of a single clerk; and where, under the provisions of any act cited in either of the said Schedules (A.) and (B.), more than one clerk is now acting in and for the court holden under such act, the same number of clerks shall be continued, unless it shall seem expedient to the Lord Chancellor to order that such number be reduced.

26. That it shall be lawful for the clerk of any such court, with the approval of the judge, or, in case of inability of the clerk to make such appointment, for the judge to appoint from time to time a deputy, qualified to be appointed clerk of the said court, to act for the clerk of the said court at any time when he shall be prevented by illness or unavoidable absence from acting in such office, and to remove such deputy at his pleasure; and such deputy while acting under such appointment shall have the like powers and privileges, and be subject to the like provisions, duties, and penalties for misbehaviour, as if he were the clerk of the said court for the time being.

27. That the clerk of each court, with such assistant clerks



as aforesaid in cases requiring the same, shall issue all summonses, warrants, precepts, and writs of execution, and register all orders and judgments of the said court, and keep an account of all proceedings of the court, and shall take charge of and keep an account of all court fees and fines payable or paid into court, and of all monies paid into and out of court, and shall enter an account of all such fees, fines, and monies in a book belonging to the court, to be kept by him for that purpose, and shall from time to time, at such times as shall be directed by order of the court, submit his accounts to be audited or settled by the treasurer.

28. That it shall not be lawful for the clerk of any court holden under this act, or the partner of any such clerk, or any person in the service or employment of such clerk or his partner, to act as treasurer or high bailiff of the court; or for the treasurer, his partner or clerk, or any person in the service or employment of such treasurer or his partner, to act as clerk or high bailiff; or for the high bailiff, his partner or clerk, or any person in the service or employment of such high bailiff or his partner, to act as clerk or treasurer of the court.

29. That no clerk, treasurer, high bailiff, or other officer of the court shall, either by himself or his partner, be directly or indirectly engaged as attorney or agent for any party in any proceeding in the said court.

30. That every person who, being the clerk of any such court, or the partner of such clerk, or a person in the service or employment of any such clerk or of his partner, shall accept the office of treasurer or high bailiff of such court, or who, being the treasurer of any such court, or the partner of any such treasurer, or a person in the service or employment of any such treasurer or of his partner, shall accept the office of clerk or high bailiff in the execution of this act, or who, being the high bailiff of such court, or the partner of any such high bailiff, or a person in the service or employment of any such high bailiff or of his partner, shall accept the office of clerk or treasurer in the execution of this act, and also every clerk, treasurer, high bailiff, or other officer of any such court who shall be, by himself or his partner, or in any way, directly or indirectly, concerned as attorney or agent for any party in any proceeding in the said court, shall, for every such offence, forfeit and pay the sum of 50*l.* to any person who shall sue for the same in any of her Majesty's superior courts of record, by action of debt or on the case.

31. That for every such court there shall be one or more high bailiffs, whom the judge shall be empowered, by order of court, to appoint, and, in case of inability or misbehaviour, to remove by a like order; and every such high bailiff shall be empowered, subject to the restrictions hereinafter contained, by any writing under his hand, to appoint a sufficient number of able and fit persons, not exceeding such number as shall be from time to time allowed by the judge, to be bailiffs, to assist the said high bailiff, and at his pleasure to dismiss all or any of them, and appoint others in their stead; and every bailiff so appointed may also be suspended or dismissed by the judge.

32. Provided always, that, until Parliament shall otherwise direct, the high bailiff of Westminster shall have the execution of all process issuing out of any of the said courts the jurisdiction of which shall include the city and liberty of Westminster, or any part thereof, and shall be deemed the high bailiff of such courts; and the high bailiff of Southwark shall have the execution of all process issuing out of any of the said courts the jurisdiction of which shall include the borough of Southwark, or any part thereof, and shall be deemed the high bailiff of such last-mentioned courts, and no other high bailiff shall be appointed for such courts.

33. That the said high bailiffs, or one of them, shall attend every sitting of the court for such time as shall be required by the judge, unless when their absence shall be allowed for reasonable cause by the judge, and shall, by themselves or by the bailiffs appointed to assist them as aforesaid, serve all the summonses and orders, and execute all the warrants, precepts, and writs issued out of the court; and the said high bailiffs and bailiffs shall, in the execution of their duties, conform to all such general rules as shall be from time to time made for regulating the proceedings of the court, as hereinafter provided, and, subject thereunto, to the order and direction of the judge; and the said high bailiffs shall be entitled to receive all fees and sums of money allowed by this act in the name of fees payable to the bailiff, out of which they shall provide for the execution

of the duties for which such fees are allowed, and for the payment of the bailiffs and officers appointed to assist them, according to such scale of remuneration as shall be from time to time approved by the judge; and every such high bailiff shall be responsible for all the acts and defaults of himself and of the bailiffs appointed to assist him, in like manner as the sheriff of any county in England is responsible for the acts and defaults of himself and his officers.

34. Provided always, that the persons holding the offices or performing the duties of clerks and high bailiffs in any court holden under any act cited in either of the said Schedules (A.) and (B.), on the 1st June in this year, and who shall continue respectively to hold the same offices or to perform the same duties at the time when such act shall be repealed under the provisions of this act, whether or not qualified as hereinbefore provided, shall be entitled, if not disqualified under this act, to be the first clerks and high bailiffs of the same court, when holden as a county court under this act, and shall continue to execute their several offices, subject to the power of removal provided in this act, except that the clerks and high bailiffs already appointed to any court named in the said Schedule (A.) shall be removable only for such cause as would have warranted their removal under the acts according to which their court is now holden; and where, under the provisions of any of the said acts, more than one clerk was, on the said 1st June, and shall be, when such act shall be repealed, under the provisions of this act, acting in and for any of the said courts, or in and for any district or division of any court, the same persons shall jointly execute the office of clerk of the same courts as aforesaid, under such regulations as to the division of the duties and emoluments of the said office as shall be from time to time made by order of court, in case of difference between them: Provided always, that, if the clerk of any court cited in the said Schedule (A.) shall, within one calendar month next after the repeal of the act under which it is now holden, decline to accept the office of clerk to the same court as holden under this act, it shall be lawful to the commissioners of her Majesty's Treasury, if they shall think fit, to take into consideration the special circumstances of each case, and to award such compensation to be paid to such clerk as, under the circumstances, they shall think reasonable, in the manner herein provided in the case of persons whose emoluments will be diminished or taken away by this act.

35. And whereas the jurisdiction of the court of conscience in the city of Bristol, under the provisions of an act passed in the first year of the reign of her Majesty, and cited in the Schedule (A.) to this act annexed, extends to the recovery of debts and demands not exceeding 40*s.*; and the jurisdiction of the court of requests in the said city, under the provisions of an act passed in the fifty-sixth year of the reign of King George the Third, and also cited in the said Schedule (A.), extends to the recovery of debts and demands above 40*s.*, and not exceeding 15*l.*; be it enacted, that, in case the persons now holding the offices of registrar and clerk, and deputy registrar of the said court of conscience, shall continue to hold the same offices respectively when a court shall be established in the said city of Bristol under the provisions of this act, they shall be entitled to hold the office and execute the duties of clerks of any such court in all causes and matters relating to debts, claims, and demands not exceeding 40*s.*, under such regulations as to the division of the duties and emoluments of the said office as shall be from time to time made by order of court, in case of difference between them; and in case the person now holding the office of clerk of the said court of requests shall continue to hold the same office at the time when such court shall be established, he shall be entitled to hold the office and execute the duties of clerk of any such court in all causes and matters relating to debts, claims, and demands exceeding 40*s.*; and the said persons severally shall be removable only for such cause as would have warranted their removal under the several acts according to which the said courts are now holden.

36. That the treasurer, clerk, and high bailiff of every court holden under this act who may receive any monies in the execution of his duty shall give security, for such sum and in such manner and form as the commissioners of her Majesty's Treasury from time to time shall order, for the due performance of their several offices, and for the due accounting for and payment of all monies received by them under this act, (or which they may become liable to pay for any misbehaviour in their office).

37. That there shall be payable on every proceeding in the courts holden under this act, to the judges, clerks, and high bailiffs of the several courts, such fees as are set down in the Schedule marked (D.) to this act annexed, or which shall be set down in any schedule of fees reduced or altered under the power hereinafter contained for that purpose, and none other; and a table of such fees shall be put up in some conspicuous place in the court-house and in the clerk's office; and the fees on every proceeding shall be paid in the first instance by the plaintiff or party on whose behalf such proceeding is to be had, on or before such proceeding, and, in default, payment thereof shall be enforced by order of the judge by such ways and means as any debt or damage ordered to be paid by the court can be recovered; and the fees upon executions shall be paid into court at the time of the issue of the warrant of execution, and shall be paid by the clerk of the court to the bailiff upon the return of the warrant of execution, and not before: Provided always, that it shall be lawful for one of her Majesty's principal secretaries of state, with the consent of the commissioners of her Majesty's Treasury, to lessen the amount of the fees to be taken in the courts holden under this act in such manner as to him shall seem fit, and again to increase such fees, so that the scale of fees given in the schedule to this act be not in any case surpassed; and in every court holden under this act in which the fees allowed to be taken by the judges, clerks, or bailiffs of the court shall appear to be more than sufficient, it shall be lawful for the said Secretary of State to order that a certain part only of their fees shall be paid to them respectively, not exceeding, in the case of judges and clerks, the sums hereinafter mentioned as the greatest salaries to be by them respectively received; and in such case, and so long as such direction shall be in force, the amount of the residue of the fees shall be accounted for and paid to the treasurer of the court, and shall form part of the general fund of the court; but no such order shall be made to reduce the fees of any of the judges, clerks, and officers of any court mentioned in the said Schedule (A.) (so long as they shall be paid by fees) below the average amount of their fees or emoluments during the seven years next before the passing of this act, with a reasonable increase for any increase of business which they may severally have to perform by reason of this act.

38. That every person who is entitled to any franchise, right of appointment, or office, under any of the acts under which any court mentioned in the said Schedule (A.) is holden, and every person who shall have been entitled to any fees or salary for his services in the execution of any of the same acts, or for the issue of any writs to the sheriff out of the high Court of Chancery, and also every person who is entitled to any franchise or right of appointment to hold office in any court in any district in which the county court had not jurisdiction before the passing of this act, and in which district a court shall be established under the provisions of this act, and also every person holding any office in such last-mentioned court whose franchise or right of appointment or office shall be affected, abolished, or taken away, or whose emoluments shall be diminished or taken away under the operation of this act, shall be entitled to make a claim for compensation to the commissioners of her Majesty's Treasury within six calendar months after the passing of this act, or after the alteration of such court; and it shall be lawful for the said commissioners, in such manner as they shall think proper, to inquire what was the nature of the franchise or right of appointment, and what was the tenure of any such office, and what were the lawful fees and emoluments in respect of which such compensation should be allowed; and the commissioners in each case shall award such gross or yearly sum and for such time as they shall think just to be awarded upon consideration of the special circumstances of each case; and all such compensations shall be paid out of the consolidated fund of the United Kingdom of Great Britain and Ireland: Provided always, that if any person holding any office in any of the said courts shall be appointed after the passing of this act to any public office or employment, the payment of the compensation awarded to him under this act, so long as he shall continue to receive the salary or emoluments of such office or employment, shall be suspended if the amount of such salary or emoluments is greater than the amount of such compensation, or if not, shall be diminished by the amount of such salary or emoluments: Provided also, that nothing in this act contained shall be deemed to entitle any person to compensation for the loss or diminution of the profits of any office to

which he shall have been appointed under any act containing a provision, either that he is not to be entitled to compensation for the loss or diminution of the profits of his office, or that such act should cease on or within a limited time after the passing of any general act for the recovery of small debts, or under the provisions of either of the said acts of the eighth year of her Majesty and of the ninth year of her Majesty.

39. That it shall be lawful for her Majesty, with the advice of her Privy Council, to order that the judges, clerks, bailiffs, and officers of the courts holden under this act, or any of them, shall be paid by salaries instead of fees, or in any manner other than is provided by this act; and if her Majesty shall be pleased, with the advice aforesaid, to make such order, or to order that any such court shall be abolished, or that the district for which any such court is holden shall be consolidated with any other district, or if any act shall be passed whereby it shall be provided that the said courts, or any of them, shall be abolished, or otherwise constituted than is provided by this act, no such clerk or bailiff, nor any judge, county clerk, treasurer, or other officer of any such court, shall be entitled to any compensation on account of ceasing to hold his office, or to receive the fees allowed by this act, or on account of his emoluments being affected by such abolition or alteration, unless he shall have presided or acted as judge, assessor, county clerk, treasurer, clerk, bailiff, or other officer, before the passing of this act, in any of the courts mentioned in the Schedule (A.) to this act annexed, in which case he shall be entitled to compensation for the loss of his fees or emoluments, in like manner, and subject to the same regulations, as he would have been entitled thereto, under the provisions herein contained, in case he had been deprived of any fees or emoluments by reason of the passing of this act; and, in such case, all sums payable in the name of fees to such officers of the court as shall be paid by salaries shall be paid from time to time to the treasurer of the court, who shall pay the said several salaries out of the proceeds of such fees, and the surplus shall form part of the general fund of the court; and whenever the net amount of the fees shall not be sufficient to pay the said several salaries, the deficiency shall be made good and paid out of the consolidated fund of Great Britain and Ireland.

40. That the greatest salaries to be received in any case by the judges and clerks of the courts holden under this act shall be 1200*l.* by a judge and 600*l.* by a clerk, exclusive of all salaries to his clerks employed in the business of the court, and other expenses incidental to his office, unless in the case of any judge or clerk of any such court acting in the same capacity before the passing of this act in any court mentioned in the said Schedule (A.), whose salaries shall not be limited to any sum less than the average amount of the fees and emoluments of their respective offices during the seven years next before the passing of this act: Provided always, that it shall be lawful for the commissioners of her Majesty's Treasury to allow in each case such sum as they shall in each case deem reasonable to defray travelling expenses, with reference to the size and circumstances of each district.

41. That the clerk of every court holden under this act, from time to time, as often as he shall be required so to do by the treasurer or judge of the court, and in such form as the treasurer or judge shall require, shall deliver to the treasurer a full account in writing of the fees received in that court, under the authority of this act, and a like account of all fines levied by the court, and of the expenses of levying the same, and shall pay over to the treasurer, quarterly or oftener in every year, by order of the court, the monies remaining in his hands over and above his own fees, and such balance as he shall be allowed, by order of the court, to retain for the current expenditure of the court.

42. That the treasurer of every court holden under this act shall from time to time, quarterly or oftener, as shall be directed by order of the court, audit and settle the accounts of the clerk and other officers of the court, and shall receive the balance of the various monies which such clerk and other officers shall have received under this act, and shall pay over to the judge of the court the amount of his fees, and make all such other payments as it shall be requisite to make thereout, in accordance with the provisions of this act, and shall from time to time pay the balance remaining in his hands, or so much thereof as he shall be directed to pay, into such bank,

or otherwise, as shall be directed by the commissioners of her Majesty's Treasury.

43. That the treasurer of every court holden under this act shall, once in every year, and oftener, if required, on such day as the commissioners of her Majesty's Treasury from time to time shall appoint, render to the commissioners for auditing the public accounts of Great Britain a true account, in writing, of all monies received and of all monies disbursed by him on account of every court holden under this act, of which he is treasurer, during the period comprised in such account, in such form, and with such particulars of receipt and disbursement, or otherwise, as the said commissioners of audit shall from time to time require.

44. That the commissioners of her Majesty's Treasury shall from time to time make such rules as to them shall seem meet for securing the balances and other sums of money in the hands of any officers of every court holden under this act, and for the due accounting for and application of all such balances and other sums of money.

45. That the accounts to be kept by the several treasurers on account of the said courts shall be examined and audited by the commissioners for auditing the public accounts of Great Britain, under the powers vested in them under an act of the 25 Geo. 3, [c. 52], intituled "An Act for the better examining and auditing the Public Accounts of this Kingdom," and under any act now in force, or otherwise howsoever, except so far as the same are varied by this act.

46. Clerk to send to commissioners of audit an account of all sums paid by him to treasurer.

47. Accounts when audited to be sent to Treasury.

48. Treasurers, with approval of Secretary of State, to provide court-houses, offices, &c.

49. Where common goals are inconvenient, prisons belonging to courts under acts cited in Schedules (A.) and (B.) may be used.

50. That the provisions of the Land Clauses Consolidation Act, 1845, shall apply to the purchase of lands by the treasurer of any such court for the purposes of this act, except so much thereof as relates to the purchase and taking lands otherwise than by agreement; and in construing the said act the treasurer, acting with the approval of one of her Majesty's principal secretaries of state, shall be deemed the promoter of the undertaking for which such lands are required.

51. Treasurer empowered to borrow money for the purposes of this act.

52. A general fund to be raised for paying off money borrowed.

53. That, as soon as the court shall have been established in any district under this act, all messuages, lands, and tenements, and all real estates and effects, vested in or belonging to the commissioners, clerks, treasurers, trustees, or other officers of any of the courts mentioned in the said Schedules (A.) and (B.), which were holden in trust for the purposes of such court, shall vest in or belong to the treasurer of the county court for the time being, and his successors in the said office, in trust for the purposes of this act, for the like estate and interest, and subject to all the covenants, conditions, and agreements on which the same were respectively holden; and the said commissioners, clerks, treasurers, trustees, and other officers, their heirs, executors, and administrators, shall be freed and discharged from all such covenants, conditions, and agreements, and from the consequences of their being unable to fulfil any covenants or agreements into which any of them may have lawfully entered in execution of the provisions of any of the said acts, on or before the repeal of such act, with respect to their estate and interest in such messuages, lands, tenements, real and personal estates and effects, in consequence of the vesting thereof in the said treasurer; and all monies and securities for money, and other property and effects of any kind whatsoever, in the hands of the commissioners, clerks, treasurers, trustees, or other officers of any such court, shall be paid, transferred, and delivered to the said treasurer, or to such person as he shall appoint to receive the same, and shall be applied in discharging all claims and demands to which the same were liable in the hands of such commissioners, clerks, treasurers, trustees, or other officers, and the residue thereof

shall be applied to the same purposes to which the general fund is applicable.

54. That it shall be lawful for the treasurer of the county court, with the approval of the commissioners of her Majesty's Treasury, and upon the certificate of the expediency thereof under the hand of the judge, to sell and dispose of all messuages, lands, and tenements which may be vested in him under the provisions of this act which shall not be needed for the purposes of this act, or which the treasurers shall think ought to be sold, for the purpose of better enabling him to discharge any just debts on account of any court of which the constitution shall be altered under this act, or to provide other and more convenient buildings for holding a county court; and the proceeds of all such sales, and also all monies and securities for money which shall be paid, transferred, or delivered to him on account of any such court as aforesaid, shall be applied towards discharging such debts; and in every case in which, at the time of the alteration of the constitution of the court, there shall be any just debts owing on account of any such court, or any salaries or annuities legally or equitably chargeable upon or payable out of the fees of such court, or out of any fund to which such fees are payable, over and above what may be discharged by the monies and effects so paid, transferred, or delivered to the treasurer on account of such court, and over and above the proceeds of the sale of any such messuages, lands, and tenements, in case the same or any part thereof shall be sold, such debts, salaries, and annuities shall be treated as if they were debts, which had been incurred for the purpose of providing a court-house for holding the county court for the district in which the place is included where such court was holden, and shall be liquidated out of the general fund hereinbefore mentioned, if the same shall be sufficient for that purpose, and any deficiency therein shall be paid out of the consolidated fund of the United Kingdom of Great Britain and Ireland.

55. That the clerk of every court shall have the care of the court-house and offices of the court, and shall appoint and have power to dismiss the necessary servants for taking charge of such court-house and offices, at such salaries as shall be from time to time authorised by the judge, with the consent of the commissioners of her Majesty's Treasury; and the clerk of the court, under the direction of the said commissioners, and subject to such regulations as they may require to be enforced, shall make all necessary contracts or otherwise provide for repairing and furnishing, and for cleaning, lighting, and warming the said court-house and offices, and for supplying the said court and offices with law and office books and stationery, and for defraying all other necessary expenses not otherwise provided for incident to the holding of the said court; and the charge of the court-house and offices, and expenses thereby incurred, shall be paid out of the general fund of the court: Provided always, that the treasurer or clerk of any court, or the partner of any such treasurer or clerk, or any person in the service or employment of any such treasurer or clerk, shall not be directly or indirectly concerned or interested in any such contract, or in supplying any articles for the use of the said courts and offices: Provided also, that no payment for any such charge shall be allowed in the clerk's accounts until allowed under the hand of the judge.

56. That the judge of each district shall attend and hold the county court at each place where her Majesty shall have ordered that the county court shall be holden within his district at such times as he shall appoint for that purpose, so that a court shall be holden in every such place once at least in every calendar month, or such other interval as one of her Majesty's principal secretaries of state shall in each case order; and notice of the days on which the court will be holden shall be put up in some conspicuous place in the court-house and in the office of the clerk of the court, and no other notice thereof shall be needed; and whenever any day so appointed for holding the court shall be altered, notice of such intended alteration, and of the time when it will take effect, shall be put up in some conspicuous place in the court-house and in the clerk's office.

57. That for every court holden under this act there shall be made a seal of the court, and all summonses and other process issuing out of the said court shall be sealed or stamped with the seal of the court; and every person who shall forge the seal or any process of the court, or who shall serve or enforce any such forged process, knowing the same to be forged,

or deliver or cause to be delivered to any person any paper falsely purporting to be a copy of any summons or other process of the said court, knowing the same to be false, or who shall act or profess to act under any false colour or pretence of the process of the said court, shall be guilty of felony.

58. That all pleas of personal actions, where the debt or damage claimed is not more than 20*l.*, whether on balance of account or otherwise, may be holden in the county court, without writ; and all such actions brought in the said court shall be heard and determined in a summary way in a court constituted under this act, and according to the provisions of this act: Provided always, that the court shall not have cognisance of any action of ejectment, or in which the title to any corporeal or incorporeal hereditaments, or to any toll, fair, market, or franchise, shall be in question, or in which the validity of any devise, bequest, or limitation under any will or settlement may be disputed, or for any malicious prosecution, or for any libel or slander, or for criminal conversation, or for seduction, or breach of promise of marriage.

59. That, on the application of any person desirous to bring a suit under this act, the clerk of the court shall enter in a book to be kept for this purpose in his office a plaint in writing, stating the names and the last known places of abode of the parties, and the substance of the action intended to be brought, every one of which plaints shall be numbered in every year according to the order in which it shall be entered; and thereupon a summons, stating the substance of the action, and bearing the number of the plaint on the margin thereof, shall be issued under the seal of the court according to such form, and be served on the defendant so many days before the day on which the court shall be holden at which the cause is to be tried, as shall be directed by the rules made for regulating the practice of the court, as hereinafter provided; and delivery of such summons to the defendant, or in such other manner as shall be specified in the rules of practice, shall be deemed good service; and no misnomer, or inaccurate description of any person or place in any such plaint or summons shall vitiate the same, so that the person or place be therein described as to be commonly known.

60. That such summons may issue in any district in which the defendant or one of the defendants shall dwell or carry on his business at the time of the action brought; or, by leave of the court for the district in which the defendant or one of the defendants shall have dwelt or carried on his business, at some time within six calendar months next before the time of the action brought, or in which the cause of action arose, such summons may issue in either of such last-mentioned courts.

61. That any summons or other process which under this act shall be required to be served out of the district of the court from which the same shall have issued may be served by the bailiff of any court holden under this act in any part of England, and such service shall be as valid as if the same had been made by the bailiff of the court out of which such summons or other process shall have issued within the jurisdiction of the court for which he acts.

62. That service of any summons or other process of the court which shall require to be served out of the district of the court may be proved by affidavit, purporting to be sworn before any judge of a county court, or before a Master Extraordinary in Chancery, or any person now authorised by law to take affidavits; and the fee for taking such affidavit shall not be more than 1*s.*, and shall be costs in the cause; and in every case of the unavoidable absence of the bailiff by whom any summons or other process of the court shall have been served, the service of such summons or other process may be proved, if the judge shall think fit, in the same manner as a summons served out of the district of the court, but without additional charge to either of the parties to the suit.

63. That it shall not be lawful for any plaintiff to divide any cause of action, for the purpose of bringing two or more suits in any of the said courts, but any plaintiff having cause of action for more than 20*l.*, for which a plaint might be entered under this act if not for more than 20*l.*, may abandon the excess, and thereupon the plaintiff shall, on proving his case, recover to an amount not exceeding 20*l.*; and the judgment of the court upon such plaint shall be in full discharge of all demands in respect of such cause of action, and entry of the judgment shall be made accordingly.

64. That it shall be lawful for any person under the age of twenty-one years to prosecute any suit in any court holden under this act for any sum of money not greater than 20*l.* which may be due to him for wages or piecework, or for work as a servant, in the same manner as if he were of full age.

65. That the jurisdiction of the county court under this act shall extend to the recovery of any demand not exceeding the sum of 20*l.*, which is the whole or part of the unliquidated balance of a partnership account, or the amount or part of the amount of a distributive share under an intestacy, or of any legacy under a will.

66. That it shall be lawful for any executor or administrator to sue and be sued in any court holden under this act, in like manner as if he were a party in his own right and judgment, and execution shall be such as in the like case would be given or issued in any superior court.

67. That no privilege, except as hereinafter excepted, shall be allowed to any person to exempt him from the jurisdiction of any court holden under this act.

68. That where any plaintiff shall have any demand recoverable under this act against two or more persons jointly answerable, it shall be sufficient if any of such persons be served with process, and judgment may be obtained and execution issued against the person or persons so served, notwithstanding that others jointly liable may not have been served or sued, or may not be within the jurisdiction of the court; and every such person against whom judgment shall have been obtained under this act, and who shall have satisfied such judgment, shall be entitled to demand and recover, in the county court under this act, contribution from any other person jointly liable with him.

69. That the judge of the county court shall be the sole judge in all actions brought in the said court, and shall determine all questions, as well of fact as of law, unless a jury shall be summoned as hereinafter mentioned; and no suitors shall in any case be summoned to hold or have any jurisdiction in any court holden under this act.

70. That, in all actions where the amount claimed shall exceed 5*l.*, it shall be lawful for the plaintiff or defendant to require a jury to be summoned to try the said action; and in all actions where the amount claimed shall not exceed 5*l.*, it shall be lawful for the judge, in his discretion, on the application of either of the parties, to order that such action be tried by a jury; and in every case such jury shall be summoned according to the provisions hereinafter contained: 'Provided always, that the party requiring a jury to be summoned shall give to the clerk of the court, or leave at his office, such notice thereof as shall be directed by the rules made for regulating the practice of the court, as hereinafter provided; and the said clerk shall cause notice of such demand of a jury, made either by the plaintiff or defendant, to be communicated to the other party to the said action, either by post, or by causing the same to be delivered at his usual place of abode or business; but it shall not be necessary for either party to prove on the trial that such notice was communicated to the other party by the clerk.'

71. That every party requiring any jury to be summoned shall, at the time of giving the said notice, and before he shall be entitled to have such jury summoned, pay to the clerk of the court the sum of 5*s.* for payment of the jury, and such sum shall be considered as costs in the cause, unless otherwise ordered by the judge.

72. That the sheriff of every county, and the high bailiffs of Westminster and Southwark, shall cause to be delivered to the clerk of the court a list of persons qualified and liable to serve as jurors in the courts of assize and nisi prius for their county, city, and borough respectively, within fourteen days from the receipt of the jury book from the clerk of the peace of the county or other officer, each list containing only the names of persons residing within the jurisdiction of the court, for which list the said sheriffs and high bailiffs shall be entitled to receive out of the general fund of the court a fee, after the rate of 5*d.* for every folio of seventy-two words; and whenever a jury shall be required, the clerk of the court shall cause so many of the persons named in the list as shall be needed in the opinion of the judge, to be summoned to attend the court at a time and place to be mentioned in the summons, and shall administer or cause to be administered to each of them an oath shall be

impanelled to try any cause or causes an oath to give true verdicts, according to the evidence; and the persons so summoned shall attend at the court at the time mentioned in the summons, and, in default of attendance, shall forfeit such sum of money as the judge shall direct, not being more than 5*l*. for each default; and the delivery of such summons to the person whose attendance is required on such jury, or delivery thereof to his wife or servant, or any inmate at his usual place of abode, trading, or dealing, shall be deemed good service: Provided always, that no person shall be summoned or compelled to serve on such jury more than twice within one year, or who shall have been summoned and shall have attended upon any jury at the assizes, or any court of Nisi Prius, or at the Central Criminal Court for the same county, within six calendar months next before the delivery of such summons.

73. That, whenever there are any jury trials, five jurymen shall be impanelled and sworn, as occasion shall require, to give their verdicts in the causes which shall be brought before them in the said court, and being once sworn shall not need to be re-sworn in each trial; and either of the parties to any such cause shall be entitled to his lawful challenge against all or any of the said jurors, in like manner as he would be entitled in any superior court; and the jurymen so sworn shall be required to give an unanimous verdict.

74. That, on the day in that behalf named in the summons, the plaintiff shall appear, and thereupon the defendant shall be required to appear to answer such plaint; and, on answer being made in court, the judge shall proceed in a summary way to try the cause, and give judgment, without further pleading or formal joinder of issue.

75. That no evidence shall be given by the plaintiff, on the trial of any such cause as aforesaid, of any demand or cause of action, except such as shall be stated in the summons hereby directed to be issued.

76. That no defendant, in any court holden under this act, shall be allowed to set off any debt or demand claimed or recoverable by him from the plaintiff, or to set up by way of defence and to claim and have the benefit of infancy, coverture, or any statute of limitations, or of his discharge under any statute relating to bankrupts, or any act for relief of insolvent debtors, without the consent of the plaintiff, unless such notice thereof, as shall be directed by the rules made for regulating the practice of the court, shall have been given to the clerk of the court; and, in every case in which the practice of the court shall require such notice to be given, the clerk of the court shall, as soon as conveniently may be after receiving such notice, communicate the same to the plaintiff by the post, or by causing the same to be delivered at his usual place of abode or business; but it shall not be necessary for the defendant to prove on the trial that such notice was communicated to the plaintiff by the clerk.

77. That the judge may in any case, with the consent of both parties to the suit, order the same, with or without other matters within the jurisdiction of the court in dispute between such parties, to be referred to arbitration, to such person or persons, and in such manner, and on such terms as he shall think reasonable and just; and such reference shall not be revocable by either party, except by consent of the judge; and the award of the arbitrator or arbitrators or umpire shall be entered as the judgment in the cause, and shall be as binding and effectual, to all intents, as if given by the judge; provided that the judge may, if he think fit, on application to him at the first court held after the expiration of one week after the entry of such award, set aside any such award so given as aforesaid, or may, with the consent of both parties aforesaid, revoke the reference, or order another reference to be made in the manner aforesaid.

78. That five of the judges of the superior courts of common law at Westminster, including the Lord Chief Justice of the Court of Queen's Bench, the Lord Chief Justice of the Court of Common Pleas, and the Lord Chief Baron of the Court of Exchequer, or one of the said chiefs at the least, shall have power to make and issue all the general rules for regulating the practice and proceedings of the county courts holden under this act; and also to frame forms for every proceeding in the said courts for which they shall think it necessary that a form be provided; and also for keeping all books, entries, and accounts to be kept by the clerks of the said courts, and from time to time to alter any such rule or form; and the rules so

made; and the forms so framed, shall be observed and used in all the courts holden under this act; and in any case not expressly provided for herein, or by the said rules, the general principles of practice in the superior courts of common law may be adopted and applied, at the discretion of the judges, to actions and proceedings in their several courts.

79. That if, upon the day of the return of any summons, or at any continuation or adjournment of the said court, or of the cause for which the said summons shall have been issued, the plaintiff shall not appear, the cause shall be struck out; and if he shall appear, but shall not make proof of his demand to the satisfaction of the court, it shall be lawful for the judge to consult the plaintiff, or to give judgment for the defendant, and, in either case, where the defendant shall appear and shall not admit the demand, to award to the defendant, by way of costs and satisfaction for his trouble and attendance, such sum as the judge in his discretion shall think fit, and such sum shall be recoverable from the plaintiff by such ways and means as any debt or damage ordered to be paid by the same court can be recovered: Provided always, that, if the plaintiff shall not appear when called upon, and the defendant, or some one duly authorised on his behalf, shall appear, and admit the cause of action to the full amount claimed, and pay the fees payable in the first instance by the plaintiff, the court, if it shall think fit, may proceed to give judgment, as if the plaintiff had appeared.

80. That if, on the day so named in the summons, or at any continuation or adjournment of the court or cause in which the summons was issued, the defendant shall not appear, or sufficiently excuse his absence, or shall neglect to answer when called in court, the judge, upon due proof of service of the summons, may proceed to the hearing or trial of the cause on the part of the plaintiff only, and the judgment thereupon shall be as valid as if both parties had attended: Provided always, that the judge in any such case, at the same or any subsequent court, may set aside any judgment so given in the absence of the defendant, and the execution thereupon, and may grant a new trial of the cause, upon such terms, if any, as to payment of costs, giving security for debt or costs, or such other terms as he may think fit, on sufficient cause shewn to him for that purpose.

81. That the judge may in any case make orders for granting time to the plaintiff or defendant to proceed in the prosecution or defence of the suit, and also may from time to time adjourn any court, or the hearing or further hearing of any cause, in such manner as to the judge may seem fit.

82. That it shall be lawful for the defendant in any action brought under this act, within such time as shall be directed by the rules made for regulating the practice of the court, to pay into court such sum of money as he shall think a full satisfaction for the demand of the plaintiff, together with the costs incurred by the plaintiff up to the time of such payment; and notice of such payment shall be communicated by the clerk of the court to the plaintiff by post, or by causing the same to be delivered at his usual place of abode or business; and the said sum of money shall be paid to the plaintiff; but, if he shall elect to proceed, and if the plaintiff shall recover no further sum in the action than shall have been so paid into court, the plaintiff shall pay to the defendant the costs incurred by him in the said action after such payment; and such costs shall be settled by the court, and an order shall thereupon be made by the court for the payment of such costs by the plaintiff.

83. That, on the hearing or trial of any action, or on any other proceeding under this act, the parties thereto, their wives and all other persons, may be examined, either on behalf of the plaintiff or defendant, upon oath, or solemn affirmation in those cases in which persons are by law allowed to make affirmation instead of taking an oath, to be administered by the proper officer of the court.

84. That every person who in any examination upon oath or solemn affirmation before any judge of the county court shall wilfully and corruptly give false evidence shall be deemed guilty of perjury.

85. That either of the parties to the suit or any other proceeding under this act may obtain, at the office of the clerk of the court, summonses to witnesses, to be served by one of the bailiffs of the court, with or without a clause requiring the production of books, deeds, papers, and writings in their posses-

sion or control, and in any such summons any number of names may be inserted.

86. That every person on whom any such summons shall have been served, either personally or in such other manner as shall be directed by the general rules or practice of the courts, and to whom, at the same time, payment or a tender of payment of his expenses shall have been made on such scale of allowance as shall be from time to time settled by the general rules of practice of the court, and who shall refuse or neglect, without sufficient cause, to appear, or to produce any books, papers, or writings required by such summons to be produced, and also every person present in court who shall be required to give evidence, and who shall refuse to be sworn and give evidence, shall forfeit and pay such fine, not exceeding 10*l.*, as the judge shall set on him; and the whole or any part of such fine, in the discretion of the judge, after deducting the costs, shall be applicable towards indemnifying the party injured by such refusal or neglect, and the remainder thereof shall form part of the general fund of the court in which the fine was imposed.

87. That payment of any fine imposed by any court under the authority of this act may be enforced upon the order of the judge in like manner as payment of any debt adjudged in the said court, and shall be accounted for as herein provided.

88. That all costs of any action or proceeding in the court, not herein otherwise provided for, shall be paid by or apportioned between the parties in such manner as the judge shall think fit, and, in default of any special direction, shall abide the event of the action, and execution may issue for the recovery of any such costs in like manner as for any debt adjudged in the said court.

89. That every order and judgment of any court holden under this act, except as herein provided, shall be final and conclusive between the parties, but the judge shall have power to nonsuit the plaintiff in every case in which satisfactory proof shall not be given to him entitling either the plaintiff or defendant to the judgment of the court, and shall also, in every case whatever, have the power, if he shall think fit, to order a new trial to be had on such terms as he shall think reasonable, and in the meantime to stay the proceedings.

90. That no plaint entered in any court holden under this act shall be removed or removable from the said court into any of her Majesty's superior courts of record by any writ or process, unless the debt or damage claimed shall exceed 5*l.*, and then only by leave of a judge of one of the said superior courts, in cases which shall appear to the judge fit to be tried in one of the superior courts, and upon such terms as to payment of costs, giving security for debt or costs, or such other terms as he shall think fit.

91. That no person shall be entitled to appear for any other party to any proceeding in any of the said courts unless he be an attorney of one of her Majesty's superior courts of record, or a barrister at law instructed by such attorney on behalf of the party, or, by leave of the judge, any other person allowed by the judge to appear instead of such party; but no barrister, attorney, or other person, except by leave of the judge, shall be entitled to be heard to argue any question as counsel for any other person in any proceeding in any court holden under this act; and no person, not being an attorney admitted to one of her Majesty's superior courts of record, shall be entitled to have or recover any sum of money for appearing or acting on behalf of any other person in the said court; and no attorney shall be entitled to have or recover therefor any sum of money, unless the debt or damage claimed shall be more than 40*s.*, or to have or recover more than 10*s.* for his fees and costs, unless the debt or damage claimed shall be more than 5*l.*, or more than 15*s.* in any case within the summary jurisdiction given by this act; and in no case shall any fee exceeding 1*l.* 3*s.* 6*d.* be allowed for employing a barrister as counsel in the cause; and the expense of employing a barrister or an attorney, either by plaintiff or defendant, shall not be allowed on taxation of costs in the case of a plaintiff where less than 5*l.* is recovered, or in the case of a defendant where less than 5*l.* is claimed, or in any case unless by order of the judge.

92. That the judge may make orders concerning the time or times and by what instalments any debt or damages or costs for which judgment shall be obtained in the said court shall be

paid, and all such monies shall be paid into court, unless the judge shall otherwise direct.

93. That if there shall be cross judgments between the parties, execution shall be taken out by that party only who shall have obtained judgment for the larger sum, and for so much only as shall remain after deducting the smaller sum, and satisfaction for the remainder shall be entered, as well as satisfaction on the judgment for the smaller sum, and if both sums shall be equal, satisfaction shall be entered upon both judgments.

94. That whenever the judge shall have made an order for the payment of money, the amount shall be recoverable, in case of default or failure of payment thereof forthwith, or at the time or times and in the manner thereby directed, by execution against the goods and chattels of the party against whom such order shall be made; and the clerk of the said court, at the request of the party prosecuting such order, shall issue under the seal of the court a writ of fieri facias as a warrant of execution to the high bailiff of the court, who by such warrant shall be empowered to levy, or cause to be levied, by distress and sale of the goods and chattels of such party, such sum of money as shall be so ordered, wheresoever they may be found within the district of the court, whether within liberties or without, and also the costs of the execution; and all constables and other peace officers within their several jurisdictions shall aid in the execution of every such warrant.

95. That if the judge shall have made any order for payment of any sum of money by instalments, execution upon such order shall not issue against the party until after default in payment of some instalment according to such order, and execution or successive executions may then issue for the whole of the said sum of money and costs then remaining unpaid, or for such portion thereof as the judge shall order, either at the time of making the original order, or at any subsequent time, under the seal of the court.

96. That every bailiff or officer executing any process of execution issuing out of the said county court against the goods and chattels of any person, may by virtue thereof seize any of the goods and chattels of such person, (excepting the wearing apparel and bedding of such person or his family, and the tools and implements of his trade to the value of 5*l.*, which shall to that extent be protected from such seizure), and may also seize and take any money or bank notes, (whether of the Bank of England or of any other bank), and any cheques, bills of exchange, promissory notes, bonds, specialties, or securities for money, belonging to any such person against whom any such execution shall have issued as aforesaid.

97. That the high bailiff shall hold any cheques, bills of exchange, promissory notes, bonds, specialties, or other securities for money which shall have been so seized or taken as aforesaid, as a security or securities for the amount directed to be levied by such execution, or so much thereof as shall not have been otherwise levied or raised for the benefit of the plaintiff; and the plaintiff may sue in the name of the defendant, or in the name of any person in whose name the defendant might have sued, for the recovery of the sum or sums secured or made payable thereby, when the time of payment thereof shall have arrived.

98. That it shall be lawful for any party who has obtained any unsatisfied judgment or order in any court held by virtue of this act, or under any act repealed by this act, for the payment of any debt or damages or costs, to obtain a summons from any county court within the limits of which any other party shall then dwell or carry on his business, such summons to be in such form as shall be directed by the rules made for regulating the practice of the county courts as herein provided, and to be served personally upon the person to whom it is directed, requiring him to appear at such a time as shall be directed by the said rules to answer such things as are named in such summons; and if he shall appear in pursuance of such summons, he may be examined upon oath touching his estate and effects, and the manner and circumstances under which he contracted the debt or incurred the damages or liability which is the subject of the action in which judgment has been obtained against him; and as to the means and expectation he then had, and as to the property and means he still hath, of discharging the said debt or damages or liability, and as to the disposal he may have made of any property; and the person obtaining



such summons as aforesaid, and all other witnesses whom the judge shall think requisite, may be examined upon oath touching the inquiries authorised to be made as aforesaid; and the costs of such summons and of all the proceedings thereon shall be deemed costs in the cause.

99. That if a party so summoned shall not attend as required by such summons, and shall not allege a sufficient excuse for not attending, or shall, if attending, refuse to be sworn, or to disclose any of the things aforesaid, or if he shall not make answer touching the same to the satisfaction of such judge, or if it shall appear to such judge, either by the examination of the party or by any other evidence, that such party, if a defendant, in incurring the debt or liability which is the subject of the action in which judgment has been obtained, has obtained credit from the plaintiff under false pretences, or by means of fraud or breach of trust, or has wilfully contracted such debt or liability without having had at the same time a reasonable expectation of being able to pay or discharge the same, or shall have made or caused to be made any gift, delivery, or transfer of any property, or shall have charged, removed, or concealed the same, with intent to defraud his creditors or any of them, or if it shall appear to the satisfaction of the judge of the said court that the party so summoned has then, or has had since the judgment obtained against him, sufficient means and ability to pay the debt or damages or costs so recovered against him, either altogether, or by any instalment or instalments which the court in which the judgment was obtained shall have ordered, and if he shall refuse or neglect to pay the same as shall have been so ordered, or as shall be ordered pursuant to the power hereinafter provided, it shall be lawful for such judge, if he shall think fit, to order that any such party may be committed to the common gaol or house of correction of the county, district, or place in which the party summoned is resident, or to any prison which shall be provided as the prison of the court, for any period not exceeding forty days.

100. That it shall be lawful for the judge of any court before whom such summons shall be heard, if he shall think fit, whether or not he shall make any order for the committal of the defendant, to rescind or alter any order that shall have been previously made against any defendant so summoned before him for the payment, by instalments or otherwise, of any debt or damages recovered, and to make any further or other order, either for the payment of the whole of such debt or damages and costs forthwith, or by any instalments, or in any other manner as such judge may think reasonable and just.

101. That in every case where the defendant in any suit brought in any county court shall have been personally served with the summons to appear, or shall personally appear at the trial of the same, the judge, at the hearing of the cause, or at any adjournment thereof if judgment shall be given against the defendant, shall have the same power and authority of examining the defendant and the plaintiff and other parties touching the several things hereinbefore mentioned, and of committing the defendant to prison, and of making an order, as he might have and exercise under the provisions hereinbefore contained in case the plaintiff had obtained a summons for that purpose after the judgment obtained as hereinbefore mentioned.

102. That, whenever any order of commitment shall have been made as aforesaid, the clerk of the said court shall issue under the seal of the court a warrant of commitment, directed to one of the bailiffs of any county court, who by such warrant shall be empowered to take the body of the person against whom such order shall be made; and all constables and other peace officers within their several jurisdictions shall aid in the execution of every such warrant; and the gaoler or keeper of every gaol, house of correction, and prison mentioned in any such order shall be bound to receive and keep the defendant herein until discharged under the provisions of this act, or otherwise by due course of law; and no protection, order, or certificate granted by any court of bankruptcy, or for the relief of insolvent debtors, shall be available to discharge any defendant from any commitment under such last-mentioned order.

103. That no imprisonment under this act shall in anywise operate as a satisfaction or extinguishment of the debt or other cause of action on which a judgment has been obtained, or protect the defendant from being anew summoned and imprisoned or any new fraud or other default rendering him liable to be imprisoned under this act, or deprive the plaintiff of any right to take out execution against the goods and chattels of

the defendant, in the same manner as if such imprisonment had not taken place.

104. That in all cases where a warrant of execution shall have issued against the goods and chattels of any party, or an order for his commitment shall have been made under this act, and such party, or his goods and chattels, shall be out of the jurisdiction of the court, it shall be lawful for the high bailiff of the court to send such warrant of execution or of commitment to the clerk of any other court constituted under this act, within the jurisdiction of which such party, or his goods and chattels, shall then be or be believed to be, with a warrant thereto annexed, under the hand of the high bailiff and seal of the court from which the original warrant issued, requiring execution of the same, and the clerk of the court to which the same shall be sent shall seal or stamp the same with the seal of his court, and issue the same to the high bailiff of his court, and thereupon such last-mentioned high bailiff shall be authorised and required to act in all respects as if the original warrant of execution or commitment had been directed to him by the court of which he is the high bailiff, and shall, within such time as shall be specified in the rules of practice, return to the high bailiff of the court from which the same originally issued, what he shall have done in the execution of such process, and in case a levy shall have been made shall, within such time as shall be specified in the rules of practice, pay over all monies received in pursuance of the warrant to the high bailiff of the court from which the same shall have originally issued, retaining the fees for execution of the process; and where any order of commitment shall have been made, and the person apprehended, he shall be forthwith conveyed, in custody of the bailiff or officer apprehending him, to the gaol or house of correction or other prison of the court within the jurisdiction of which he shall have been apprehended, and kept therein for the time mentioned in the warrant of commitment, unless sooner discharged under the provisions of this act; and all constables and other peace officers shall be aiding and assisting within their respective districts in the execution of such warrant.

105. That if it shall at any time appear to the satisfaction of the judge, by the oath or affirmation of any person, or otherwise, that any defendant is unable, from sickness or other sufficient cause, to pay and discharge the debt or damages recovered against him, or any instalment thereof ordered to be paid as aforesaid, it shall be lawful for the judge, in his discretion, to suspend or stay any judgment, order, or execution given, made, or issued in such action, for such time and on such terms as the judge shall think fit, and so from time to time until it shall appear, by the like proof as aforesaid, that such temporary cause of disability has ceased.

106. That no sale of any goods which shall be taken in execution as aforesaid shall be until after the end of five days at least next following the day on which such goods shall have been so taken, unless such goods be of a perishable nature, or upon the request in writing of the party whose goods shall have been taken; and, until such sale, the goods shall be deposited by the bailiff in some fit place, or they may remain in the custody of a fit person approved by the high bailiff, to be put in possession by the bailiff; and it shall be lawful for the high bailiff, from time to time, as he shall think proper, to appoint such and so many persons for keeping possession, and so many sworn brokers and appraisers for the purpose of selling or valuing any goods, chattels, or effects taken in execution under this act, as shall appear to him to be necessary, and to direct security to be taken from each of them, for such sum and in such manner as he shall think fit, for the faithful performance of their duties without injury or oppression; and the judge or high bailiff may dismiss any person, broker, or appraiser so appointed; and no goods taken in execution under this act shall be sold for the purpose of satisfying the warrant of execution except by one of the brokers or appraisers so appointed; and the brokers or appraisers so appointed shall be entitled to have, out of the produce of the goods so distrained or sold, 6d. in the pound on the value of the goods for the appraisement thereof, whether by one broker or more, over and above the stamp duty, and for advertisements, catalogues, sale and commission, and delivery of goods, 1s. in the pound on the net produce of the sale.

107. That so much of an act passed in the eighth year of the reign of Queen Anne, [c. 17], intitled "An Act for the better Security of Rents, and to prevent Frauds committed by



Tenants," as relates to the liability of goods taken by virtue of any execution, shall not be deemed to apply to goods taken in execution under the process of any court holden under this act; but the landlord of any tenement in which any such goods shall be so taken shall be entitled, by any writing under his hand, or under the hand of his agent, to be delivered to the bailiff or officer making the levy, which writing shall state the terms of holding and the rent payable for the same, to claim any rent in arrear then due to him, not exceeding the rent of four weeks where the tenement is let by the week, and not exceeding the rent accruing due in two terms of payment where the tenement is let for any other term less than a year, and not exceeding in any case the rent accruing due in one year; and, in case of any such claim being so made, the bailiff or officer making the levy shall distrain as well for the amount of the rent so claimed, and the costs of such additional distress, as for the amount of money and costs for which the warrant of execution issued under this act, and shall not proceed to sell the same or any part thereof within five days next after such distress taken; and if any replevin be made of the goods so taken, such of the goods shall be sold under the execution as shall satisfy the money and costs for which the warrant of execution issued, and the costs of the sale; and the overplus of such sale (if any), and also the residue of the goods, shall be returned as in other cases of distress for rent, and replevin thereof; and for every such additional distress for rent in arrear, the high bailiff of the court shall be entitled to have, as the costs of the distress, instead of the fees allowed by this act for making such distress, and keeping possession thereof, the fees allowed by an act passed in the fifty-seventh year of the reign of King George the Third, [c. 93], intitled "An Act to regulate the Costs of Distresses levied for Payment of small Rents."

108. That no judgment or execution shall be stayed, delayed, or reversed upon or by any writ of error, or supersedeas thereon, to be sued for the reversing of any judgment given in any court holden under the provisions of this act.

109. That, in or upon every warrant of execution issued against the goods and chattels of any person whomsoever, the clerk of the court shall cause to be inserted or indorsed the sum of money and costs adjudged, with the sums allowed by this act as increased costs for the execution of such warrant; and if the party against whom such execution shall be issued, shall, before an actual sale of the goods and chattels, pay or cause to be paid or tendered unto the clerk of the court out of which such warrant of execution has issued, or to the bailiff holding the warrant of execution, such sum of money and costs as aforesaid, or such part thereof as the person entitled thereto shall agree to accept in full of his debt or damages and costs, together with the fees herein directed to be paid, the execution shall be superseded, and the goods and chattels of the said party shall be discharged and set at liberty.

110. That any person imprisoned under this act who shall have paid or satisfied the debt or demand, or the instalments thereof payable, and costs remaining due at the time of the order of imprisonment being made, together with the costs of obtaining such order, and all subsequent costs, shall be discharged out of custody, upon the certificate of such payment or satisfaction, signed by the clerk of the court, by leave of the judge of the court in which the order of imprisonment was made.

111. That the clerk of every court holden under this act shall cause a note of all plaints and summonses, and of all orders, and of all judgments and executions, and returns thereto, and of all fines, and of all other proceedings of the court, to be fairly entered from time to time in a book belonging to the court, which shall be kept at the office of the court; and such entries in the said book, or a copy thereof bearing the seal of the court, and purporting to be signed and certified as a true copy by the clerk of the court, shall at all times be admitted, in all courts and places whatsoever, as evidence of such entries, and of the proceedings referred to by such entry or entries, and of the regularity of such proceeding, without any further proof.

112. That the clerks of every such court shall in the month of March in each year make out a correct list of all sums of money belonging to suitors in the court which shall have been paid into court, and which shall have remained unclaimed for five years before the first day of the month of January then last

past, specifying the names of the parties for whom or on whose account the same were so paid into court; and a copy of such list shall be put up and remain during court hours in some conspicuous part of the court-house, and at all times in the clerk's office, and all sums of money which shall have been paid into any such court, to the use of any suitor or suitors thereof, and which shall have remained unclaimed for the period of six years before the passing of this act, and which are now in the hands of any commissioner, trustee, judge, or officer of such court, or otherwise held in trust for such suitors, and all further sums of money which shall hereafter be paid into any such court, to the use of any suitor or suitors thereof, shall, if unclaimed for the period of six years after the same shall have been so paid into court, be applicable as part of the general fund of the court, and shall be carried to the account of such fund, and no person shall be entitled to claim any sum which shall have remained unclaimed for six years; but no time during which the person entitled to claim such sum shall have been an infant or feme covert, or of unsound mind, or beyond the seas, shall be taken into account in estimating the said period of six years.

113. That if any person shall wilfully insult the judge or any juror, or any bailiff, clerk, or officer of the said court, for the time being, during his sitting or attendance in court, or in going to or returning from the court, or shall wilfully interrupt the proceedings of the court, or otherwise misbehave in court, it shall be lawful for any bailiff or officer of the court, with or without the assistance of any other person, by the order of the judge, to take such offender into custody, and detain him until the rising of the court; and the judge shall be empowered, if he shall think fit, by a warrant under his hand, and sealed with the seal of the court, to commit any such offender to any prison to which he has power to commit offenders under this act for any time not exceeding seven days, or to impose upon any such offender a fine not exceeding 5*l*. for every such offence, and in default of payment thereof to commit the offender to any such prison as aforesaid for any time not exceeding seven days, unless the said fine be sooner paid.

114. That if any officer or bailiff of any court holden under this act shall be assaulted while in the execution of his duty, or if any rescue shall be made or attempted to be made of any goods levied under process of the court, the person so offending shall be liable to a fine not exceeding 5*l*., to be recovered by order of the court, or before a justice of the peace as hereinafter provided; and it shall be lawful for the bailiff of the court or any peace officer in any such case to take the offender into custody, (with or without warrant), and bring him before such court or justice accordingly.

115. That in case any bailiff of the said court who shall be employed to levy any execution against goods and chattels shall, by neglect, or connivance or omission, lose the opportunity of levying any such execution, then, upon complaint of the party aggrieved by reason of such neglect, connivance, or omission, (and the fact alleged being proved to the satisfaction of the court on the oath of any credible witness), the judge shall order such bailiff to pay such damages as it shall appear that the plaintiff has sustained thereby, not exceeding in any case the sum of money for which the said execution issued, and the bailiff shall be liable thereto, and upon demand made thereof, and on his refusal so to pay and satisfy the same, payment thereof shall be enforced by such ways and means as are herein provided for enforcing a judgment recovered in the said court.

116. That if any clerk, bailiff, or officer of the court, acting under colour or pretence of the process of the said court, shall be charged with extortion or misconduct, or with not duly paying or accounting for any money levied by him under the authority of this act, it shall be lawful for the judge to inquire into such matter in a summary way, and for that purpose to summon and enforce the attendance of all necessary parties in like manner as the attendance of witnesses in any case may be enforced, and to make such order thereupon for the repayment of any money extorted, or for the due payment of any money so levied as aforesaid, and for the payment of such damages and costs, as he shall think just; and also, if he shall think fit, to impose such fine upon the clerk, bailiff, or officer, not exceeding 10*l*., for each offence, as he shall deem adequate; and in default of payment of any money so ordered to be paid, payment of the same may be enforced by such ways

and means as are herein provided for enforcing a judgment recovered in the said court.

117. That every treasurer, clerk, bailiff, or other officer employed in putting this act, or any of the powers thereof, in execution, who shall wilfully and corruptly exact, take, or accept any fee or reward whatsoever, other than and except such fees as are or shall be appointed and allowed respectively as aforesaid, for or on account of anything done or to be done by virtue of this act, or on any account whatsoever relative to putting this act into execution, shall, upon proof thereof before the said court, and in the case of a clerk, treasurer, or high bailiff on allowance of the finding of the court by the Lord Chancellor, be for ever incapable of serving or being employed under this act in any office of profit or emolument, and shall also be liable for damages as herein provided.

118. That, if any claim shall be made to or in respect of any goods or chattels taken in execution under the process of any court holden under this act, or in respect of the proceeds or value thereof, by any landlord for rent, or by any person not being the party against whom such process has issued; it shall be lawful for the clerk of the court, upon application of the officer charged with the execution of such process, as well before as after any action brought against such officer; to issue a summons calling before the said court as well the party issuing such process as the party making such claim; and thereupon any action which shall have been brought in any of her Majesty's superior courts of record, or in any local or inferior court, in respect of such claim, shall be stayed; and the court in which such action shall have been brought, or any judge thereof, on proof of the issue of such summons, and that the goods and chattels were so taken in execution, may order the party bringing such action to pay the costs of all proceedings had upon such action after the issue of such summons out of the county court; and the judge of the county court shall adjudge upon such claim, and make such order between the parties in respect thereof, and of the costs of the proceedings, as to him shall seem fit, and such order shall be enforced in like manner as any order made in any suit brought in such court.

119. That all actions of replevin, in cases of distress for rent in arrear or damage faisant, which shall be brought in the county court, shall be brought without a writ in a court held under this act.

120. That, in every such action of replevin, the plaintiff shall be entered in the court holden under this act for the district wherein the distress was taken.

121. That, in case either party to any such action of replevin shall declare to the court in which such action shall be brought that the title to any corporeal or incorporeal hereditament, or to any toll, market, fair, or franchise, is in question, or that the rent or damage in respect of which the distress shall have been taken is more than the sum of 20l., and shall become bound, with two sufficient sureties, to be approved by the clerk of the court, in such sums as to the judge shall seem reasonable, regard being had to the nature of the claim, and the alleged value or amount of the property in dispute, or of the rent or damage, to prosecute the suit with effect and without delay, and to prove before the court by which such suit shall be tried that such title as aforesaid is in dispute between the parties, or that there was ground for believing that the said rent or damage was more than 20l., then, and not otherwise, the action may be removed before any court competent to try the same in such manner as hath been accustomed.

122. That, when and so soon as the term and interest of the tenant of any house, land, or other corporeal hereditament, where the value of the premises or the rent payable in respect of such tenancy did not exceed the sum of 50l. by the year, and upon which no fine shall have been paid, shall have ended, or shall have been duly determined by a legal notice to quit, and such tenant, or, if such tenant do not actually occupy the premises, or occupy only a part thereof, any person by whom the same or any part thereof shall be then actually occupied, shall neglect or refuse to quit and deliver up possession of the premises, or of such part thereof respectively, it shall be lawful for the landlord or his agent to enter a plaint in the county court to be holden under this act, and thereupon a summons shall issue to the tenant or neglecting

or refusing; and if the tenant or occupier shall not thereupon appear at the time and place appointed, and show cause to the contrary, and shall still neglect or refuse to deliver up possession of the premises, or of such part thereof of which he is then in possession, to the said landlord or his agent, it shall be lawful for such landlord or agent to give to the court proof of the holding, and of the end or other determination of the tenancy, with the time or manner thereof, and, where the title of the landlord has accrued since the letting of the premises, the right by which he claims the possession; and upon proof of service of the summons, and of the neglect or refusal of the tenant or occupier, as the case may be, it shall be lawful for the judge to issue a warrant under the seal of the court to any bailiff of the court, requiring and authorizing him, within a period to be therein named, not less than seven or more than ten clear days from the date of such warrant, to give possession of the premises to such landlord or agent; and such warrant shall be a sufficient warrant to the said bailiff to enter upon the premises, with such assistants as he shall deem necessary, and to give possession accordingly: Provided always, that entry upon any such warrant shall not be made on a Sunday, Good Friday, or Christmas-day, or at any time except between the hours of nine in the morning and four in the afternoon: Provided also, that nothing herein contained shall be deemed to protect any person by whom any such warrant shall be sued out of the county court from any action which may be brought against him by any such tenant or occupier for or in respect of such entry and taking possession, where such person had not, at the time of suing out the same as aforesaid, lawful right to the possession of the same premises.

123. That such summons as last aforesaid may be served either personally or by leaving the same with some person being in and apparently residing at the place of abode of the person or persons so holding over as aforesaid; provided that, if the person or persons so holding over, or any or either of them, cannot be found, and the place of abode of such person or persons shall either not be known, or admission thereto cannot be obtained for serving such summons, the posting of the said summons on some conspicuous part of the premises so held over shall be deemed to be good service upon such person or persons respectively.

124. That it shall not be lawful to bring any action or prosecution against the judge or against the clerk of the court by whom such warrant as aforesaid shall have been issued, or against any bailiff or other person by whom such warrant may be executed or summons affixed, for issuing such warrant, or executing the same respectively, or affixing such summons, by reason that the person by whom the same shall be sued out had not lawful right to the possession of the premises.

125. That, where the landlord at the time of applying for such warrant as aforesaid had lawful right to the possession of the premises, or of the part thereof so held over as aforesaid, neither the said landlord nor his agent, nor any other person acting in his behalf, shall be deemed to be a trespasser by reason merely of any irregularity or informality in the mode of proceeding for obtaining possession under the authority of this act, but the party aggrieved may, if he think fit, bring an action on the case for such irregularity or informality, in which the damage alleged to be sustained thereby shall be specially laid, and may recover full satisfaction for such special damage, with costs of suit; provided that, if the special damage so laid be not proved, the defendant shall be entitled to a verdict, and that, if proved, but assessed by the jury at any sum not exceeding 5s., the plaintiff shall recover no more costs than damages, unless the judge before whom the trial shall have been holden shall certify, that, in his opinion, full costs ought to be allowed.

126. That, in every case in which the person by whom any such warrant shall be sued out of the county court had not, at the time of suing out the same, lawful right to the possession of the premises, the suing out of any such warrant as last aforesaid shall be deemed a trespass by him against the tenant or occupier of the premises, although no entry shall be made by virtue of the warrant; and in case any such tenant or occupier will become bound, with two sufficient sureties, to be approved by the clerk of the court, in such sum as to the judge shall seem reasonable, regard being had to the value of the premises, and to the probable cost of such action, to sue the person by whom such warrant was sued out with effect and without delay,

and to pay all the costs of the proceeding in such action in case a verdict shall pass for the defendant, or the plaintiff shall discontinue or not prosecute his action, or become nonsuit therein, execution upon the warrant shall be stayed until judgment shall have been given in such action of trespass; and if, upon the trial of such action of trespass, a verdict shall pass for the plaintiff, such verdict and judgment thereupon shall supersede the said warrant.

127. That every bond given on the removal of any action out of the county court, or upon staying the execution of any such warrant of possession as aforesaid, or on moving for a new trial, or to set aside a verdict, judgment, or nonsuit, shall be made to the other party to the action at the costs of such other party, and shall be approved by the judge, and attested under the seal of the court; and if the bond so taken be forfeited, or if, upon the proceeding for securing which such bond was given, the judge before whom such proceeding shall be had shall not certify upon the record in court that the condition of the bond hath been fulfilled, the party to whom the bond shall have been so made may bring an action of debt, and recover thereon: Provided always, that the court in which such action as last aforesaid shall be brought may, by a rule of court, give such relief to the parties liable upon such bond as may be agreeable to justice and reason, and such rule shall have the nature and effect of a defeasance to such bond.

128. That all actions and proceedings which, before the passing of this act, might have been brought in any of her Majesty's superior courts of record, where the plaintiff dwells more than twenty miles from the defendant, or where the cause of action did not arise wholly or in some material point within the jurisdiction of the court within which the defendant dwells or carries on his business at the time of the action brought, or where any officer of the county court shall be a party, except in respect of any claim to any goods and chattels taken in execution of the process of the court, or the proceeds or value thereof, may be brought and determined in any such superior court, at the election of the party suing or proceeding, as if this act had not been passed.

129. That, if any action shall be commenced after the passing of this act in any of her Majesty's superior courts of record, for any cause other than those lastly hereinbefore specified, for which a plaintiff might have been entered in any court holden under this act, and a verdict shall be found for the plaintiff for a sum less than 20*l*. if the said action is founded on contract, or less than 5*l*. if it be founded on tort, the said plaintiff shall have judgment to recover such sum only, and no costs; and, if a verdict shall not be found for the plaintiff, the defendant shall be entitled to his costs as between attorney and client, unless in either case the judge who shall try the cause shall certify on the back of the record that the action was fit to be brought in such superior court.

130. That all penalties, fines, and forfeitures by this act inflicted or authorised to be imposed (the manner of recovering and applying whereof is not hereby otherwise particularly directed) shall, upon proof before any justice of the peace having jurisdiction within the county or place where the offender shall reside or be, or the offence shall be committed, either by the confession of the party offending, or by the oath of any credible witness, be levied, with the costs attending the summons and conviction, by distress and sale of the goods and chattels of the party offending, by warrant under the hand of any such justice; and the overplus (if any), after such penalties, fines, and forfeitures, and the charges of such distress and sale, are deducted, shall be returned, upon demand, unto the owner of such goods and chattels.

131. That if any such penalties, fines, and forfeitures respectively shall not be paid forthwith upon conviction, it shall be lawful for such justice to order the offender so convicted to be detained in safe custody until return can be conveniently made to such warrant of distress, unless such offender shall give sufficient security to the satisfaction of such justice for his appearance before him on such day as shall be appointed for the return of such warrant of distress, such day not being more than eight days from the time of taking any such security, which security such justice shall be empowered to take by way of recognisance or otherwise as to him shall seem fit.

132. That if upon the return of such warrant it shall appear that no sufficient distress can be had thereupon, or in case it

shall appear to the satisfaction of such justice, either by the confession of the offender or otherwise, that he hath not within the jurisdiction of such justice sufficient goods and chattels whereon to levy all such penalties, forfeitures, costs, and charges, such justice may, at his discretion, without issuing any warrant of distress, commit the offender to the common gaol or house of correction for any time not exceeding three calendar months, unless such penalties, forfeitures, and fines, and all reasonable charges attending the recovery thereof, shall be sooner paid and satisfied.

133. That the monies arising from any such penalties, forfeitures, and fines as aforesaid, when paid and levied, shall (if not by this act directed to be otherwise applied) be from time to time paid to the clerk of the court, and shall be applied in aid of the general fund thereof.

134. That in all cases in which by this act any penalty or forfeiture is made recoverable before a justice of the peace, it shall be lawful for such justice to summon before him the party complained against, and on such summons to hear and determine the matter of such complaint, and on proof of the offence to convict the offender, and to adjudge him to pay the penalty or forfeiture incurred, and to proceed to recover the same, although no information in writing shall have been exhibited before him; and all such proceedings by summons without information in writing shall be as valid and effectual to all intents and purposes as if an information in writing had been exhibited.

135. That in all cases where any conviction shall be had for any offence committed against this act, the form of conviction may be in the words or to the effect following; (that is to say),—

"Be it remembered, That on this — day of — in the year of our Lord —, A. B. is convicted before — of her Majesty's justices of the peace for the — [or before a judge appointed under an act passed in the — year of the reign of her Majesty Queen Victoria, intituled, *here insert the title of this act*,] of having [*state the offence*]; and I [or we] the said — do adjudge the said — to forfeit and pay for the same the sum of —, or to be committed to — for the space of —. Given under — hand and seal the day and year aforesaid."

136. That no order, verdict, or judgment, or other proceeding, made concerning any of the matters aforesaid, shall be quashed or vacated for want of form.

137. That where any distress shall be made for any sum of money to be levied by virtue of this act, the distress itself shall not be deemed unlawful, nor the party making the same be deemed a trespasser, on account of any defect or want of form in the information, summons, conviction, warrant of distress, or other proceeding relating thereto, nor shall the party distraining be deemed a trespasser from the beginning on account of any irregularity which shall afterwards be committed by the party so distraining, but the person aggrieved by such irregularity may recover full satisfaction for the special damage in an action upon the case.

138. And for the protection of persons acting in the execution of this act, be it enacted, That all actions and prosecutions to be commenced against any person for anything done in pursuance of this act shall be laid and tried in the county where the fact was committed, and shall be commenced within three calendar months after the fact committed, and not afterwards, or otherwise; and notice in writing of such action, and of the cause thereof, shall be given to the defendant one calendar month at least before the commencement of the action; and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought, or if after action brought a sufficient sum of money shall have been paid into court, with costs, by or on behalf of the defendant.

139. That if any person shall bring any suit in any of her Majesty's superior courts of record in respect of any grievance committed by any clerk, bailiff, or officer of any court holden under this act, under colour or pretence of the process of the said court, and the jury upon the trial of the action shall not find greater damages for the plaintiff than the sum of 20*l*., no costs shall be awarded to the plaintiff in such action unless the judge shall certify in court upon the back of the record that the action was fit to be brought in such superior court.

140. Provided always, that nothing in this act contained shall be construed to alter or affect the rights or privileges of the chancellor, masters, and scholars of the Universities of Oxford or Cambridge respectively as by law possessed, or the jurisdiction of the courts of the chancellors or vice-chancellors of the said universities, as holden under the respective charters of the said universities, or otherwise.

141. Provided also, that nothing in this act contained shall be construed to affect the courts of the lord warden or of the vice-warden of the stannaries of Cornwall; but this provision shall not be deemed to prevent the establishment of any court under this act within the said stannaries, or to limit or affect the jurisdiction of any court so established under this act.

142. That, in construing this act all things directed or authorised to be done by or with respect to the Lord Chancellor shall and may be done by or with respect to a lord keeper or the first commissioner for the custody of the Great Seal of the United Kingdom of Great Britain and Ireland; and all things directed or authorised to be done by or with respect to the commissioners of her Majesty's Treasury shall and may be done by and with respect to three or more of the said commissioners or the lord high treasurer; and the word "person" shall be understood to mean a body politic, corporate, or collegiate, as well as individual; and every word importing the singular number shall, where necessary to give full effect to the enactments herein contained, be understood to mean several persons or things as well as one person or thing; and every word importing the masculine gender shall, where necessary, be understood to mean a female as well as a male; and the words "county court" shall be understood to mean any court holden under this act; and the term "landlord" shall be understood to mean the person entitled to the immediate reversion of the lands, or, if the property be holden in joint tenancy, coparcenary, or tenancy in common, shall be understood to mean any one of the persons entitled to such reversion; and the word "clerk" shall be understood to mean "chief clerk," or "registrar;" and the words "attorney at law" shall be understood to include a solicitor in any court of equity; and the word "agent" shall be understood to mean any person usually employed by the landlord in the letting of lands, or in the collection of the rents thereof, or specially authorised to act in any particular matter by writing under the hand of such landlord; and the word "bailiff" shall be understood to include high bailiff; unless in any of these cases there be something in the context inconsistent with such meaning.

143. That this act may be amended or repealed by any act to be passed in this session of Parliament.

## SCHEDULES TO WHICH THIS ACT REFERS.

### SCHEDULE (A.)

Acts for the more easy and speedy RECOVERY of SMALL DEBTS within the Towns, Parishes, and Places under written, and other Parishes and Places adjacent; (that is to say),

Ashton-under-Lyne .....	48 Geo. 3, c. xcvi.
Bath .....	45 Geo. 3, c. lxvii.
Beverley .....	46 Geo. 3, c. cxxxv.
Birmingham .....	47 Geo. 3, c. xiv.
Blackheath .....	47 Geo. 3, c. lv.
Bolingbroke and Horncastle ..	47 Geo. 3, sess. 2, c. lxxviii.
Boston .....	47 Geo. 3, sess. 2, c. i.
Bradford .....	47 Geo. 3, sess. 2, c. xxxix.
Bristol .....	46 Geo. 3, c. lxxvi.
Bristol .....	7 Will. 4 & 1 Vict. c. lxxxiv.
Brixton .....	56 Geo. 3, c. lxxxviii.
Broseley .....	22 Geo. 3, c. xxxvii.
Canterbury .....	25 Geo. 2, c. xlv.
Chippenham .....	5 Geo. 3, c. ix.
Cirencester .....	32 Geo. 3, c. lxxvii.
Codsheath .....	48 Geo. 3, c. i.
Deal .....	26 Geo. 3, c. xviii.
Derby .....	6 Geo. 3, c. xx.
Doncaster .....	4 Geo. 3, c. xl.
Dover .....	24 Geo. 3, c. viii.
Ecclesall .....	48 Geo. 3, c. ciii.
Elloe .....	47 Geo. 3, c. xxxvii.

Ely (Isle of) .....	18 Geo. 3, c. xxxvi.
Exeter .....	13 Geo. 3, c. xvii.
Faversham .....	25 Geo. 3, c. xv.
Folkestone .....	26 Geo. 3, c. xcvi.
Gloucester .....	1 Will. & M. c. xviii.
Gravesend .....	47 Geo. 3, sess. 2, c. xl.
Grimsby (Great) .....	46 Geo. 3, c. xxxvii.
Hagnaby .....	18 Geo. 3, c. xxxiv.
Halesowen .....	47 Geo. 3, c. xxxvi.
Ipswich .....	47 Geo. 3, sess. 2, c. lxxix.
Kidderminster .....	12 Geo. 3, c. lxvi.
King's Lynn .....	10 Geo. 3, c. xx.
Kingston-upon-Hull .....	48 Geo. 3, c. cix.
Kirby in Kendal .....	4 Geo. 3, c. xli.
Lincoln .....	24 Geo. 2, c. xvi.
Liverpool .....	6 & 7 Will. 4, c. cxxxv.
Manchester .....	48 Geo. 3, c. xliii.
Margate .....	47 Geo. 3, sess. 2, c. vii.
Middlesex .....	23 Geo. 2, c. xxxiii.
Newcastle-upon-Tyne .....	1 Will. & M. c. xvii.
Norwich .....	12 & 13 Will. 3, c. vii.
Old Swinford .....	17 Geo. 3, c. xix.
Pontefract Honor .....	2 & 3 Vict. c. lxxxv.
Poulton .....	10 Geo. 3, c. xxi.
Rochester .....	48 Geo. 3, c. li.
Saint Alban's .....	25 Geo. 2, c. xxxviii.
Saint Briavels .....	5 & 6 Vict. c. lxxxiii.
Sandwich .....	47 Geo. 3, c. xxxv.
Sheffield .....	48 Geo. 3, c. ciii.
Shrewsbury .....	23 Geo. 3, c. lxxxiii.
Southwark and East Brixton ..	4 Geo. 4, c. cxxiii.
Stockport .....	46 Geo. 3, c. cxiv.
Tower Hamlets .....	2 Will. 4, c. lxx.
Westbury .....	48 Geo. 3, c. lxxxviii.
Westminster .....	24 Geo. 2, c. xlii.
Wight (Isle of) .....	46 Geo. 3, c. lxvi.
Wolverhampton .....	48 Geo. 3, c. cx.
Wraggöe .....	19 Geo. 3, c. xliii.
Yarmouth (Great) .....	31 Geo. 2, c. xxiv.

### SCHEDULE (B.)

Acts for the more easy and speedy RECOVERY of SMALL DEBTS within the Towns, Parishes, and Places under written, and other Parishes and Places adjacent thereto; (that is to say),

Aberford .....	2 & 3 Vict. c. lxxxvi.
Ashby-de-la-Zouch .....	3 Vict. c. xxxiii.
Barnaley .....	1 Vict. c. xv.
Belper .....	1 & 2 Vict. c. xc.
Blackburn .....	2 & 3 Vict. c. xcvi.
Blackheath .....	4 & 5 Vict. c. lxxvii.
Bolton .....	6 & 7 Will. 4, c. cxx.
Brighton .....	1 & 2 Vict. c. lxxxix.
Burnley .....	3 Vict. c. xviii.
Bury .....	3 Vict. c. x.
Chesterfield .....	4 & 5 Vict. c. lxxxiii.
Crediton .....	2 & 3 Vict. c. ci.
East Retford .....	2 & 3 Vict. c. civ.
Eckington .....	8 & 9 Vict. c. lxxxix.
Exeter .....	4 & 5 Vict. c. lxxxvii.
Gainsburgh .....	2 & 3 Vict. c. ciii.
Glossop .....	4 & 5 Vict. c. lxxxvii.
Grantham .....	2 & 3 Vict. c. lxxxviii.
Halifax .....	2 & 3 Vict. c. lxxxix.
Hatfield .....	2 & 3 Vict. c. cvi.
Hinckley .....	4 & 5 Vict. c. lxxiv.
Hyde .....	7 Will. 4, c. viii.
Kingsnorton .....	3 & 4 Will. 4, c. cxix.
Launceston .....	4 & 5 Vict. c. lxxv.
Leicester .....	4 & 5 Vict. c. lxxvi.
Loughborough .....	6 & 7 Will. 4, c. cxxiii.
Newark .....	7 Will. 4, c. vii.
New Sarum .....	7 Will. 4, c. ix.
New Sleaford .....	4 & 5 Vict. c. lxxxix.
Newton Abbott .....	4 & 5 Vict. c. lxxxiv.
Nottingham .....	4 & 5 Vict. c. lxxxv.
	3 Vict. c. xxv.
	2 & 3 Vict. c. cv.

Oakham .....	1 Vict. c. xxxv.
Prestbury Division of the Hundred of Macclesfield .....	6 Will. 4, c. xiii.
Prestwich-cum-Oldham .....	2 & 3 Vict. c. c.
Roborough .....	7 Will. 4, c. lxi.
Rochdale .....	2 & 3 Vict. c. xc.
Rotherham .....	2 & 3 Vict. c. lxxvii.
Saint Helen's .....	4 & 5 Vict. c. lxxii.
Staffordshire Potteries .....	4 & 5 Vict. c. lxxxi.
Tavistock .....	3 Vict. c. lxxviii.
Totnes .....	4 & 5 Vict. c. lxxx.
Warrington .....	2 & 3 Vict. c. xci.
Westminster .....	6 & 7 Will. 4, c. cxxxvii.
Wigan .....	4 & 5 Vict. c. lxxviii.
Wirksworth .....	2 & 3 Vict. c. cii.

## SCHEDULE (C.)

Town.	Officer of the Court.	Person to whom the next Appointment is to belong.
Ashton-under-Lyne .....	Clerk of the Court to be holden at Ashton.	Lord of the Manor of Ashton-under-Lyne.
Birmingham .....	High Bailiff of the Court to be holden at Birmingham.	Lord of the Manor of Birmingham.
Cirencester .....	Clerk of the Court to be holden at Cirencester.	Lord of the Manor of Seven Hundreds of Cirencester.
Kidderminster .....	Clerk of the Court to be holden at Kidderminster.	Lord of the Manor of the Borough of Kidderminster.
Stourbridge .....	Clerk of the Court to be holden at Stourbridge.	Lord of the Manor of Old Swinford or Amblocoat, to whom, on the day before the passing of this act, the next turn belongs to appoint the clerk or beadle of the Court of Requests for the parish of Old Swinford.
St. Alban's .....	High Bailiff of the Court to be holden at Watford.	Lord of the Hundred of Cashio.
Sheffield .....	Judge of the Court to be holden at Sheffield.	Lord of the Manor of Sheffield.
	Clerk of the Court to be holden at Sheffield.	Lord of the Manor of Ecclesall.
Stockport .....	Clerk of the Court to be holden at Stockport.	Lord of the Manor and Barony of Stockport.

## SCHEDULE (D.)

## AMOUNT OF DEMAND.

Not exceeding 20s.	Exceeding 20s., and not exceeding 40s.	Exceeding 40s., and not exceeding 50s.	Exceeding 50s., and not exceeding 100s.	Exceeding 100s.	Founded on Contract.		Founded on Tort.	
s.	d.	s.	d.	s.	s.	d.	s.	d.
0	30	6	1	0	2	0	3	0
1	0	1	6	2	6	10	0	15
2	0	3	0	5	10	0	15	0
0	30	6	1	0	2	0	3	0

## JUDGE'S FEES:

Every summons .....	0	30	6	1	0	2	0	3	0
Every hearing without a jury .....	1	0	1	6	2	6	10	0	15
Every hearing or trial with a jury .....	2	0	3	0	5	10	0	15	0
Every order, or judgment, or application for an order .....	0	30	6	1	0	2	0	3	0

## CLERK'S FEES:

Entering every plaint and issuing the summons thereon .....	0	30	6	1	0	2	0	3	0
Every subpoena, when required .....	0	30	6	0	9	1	0	1	6
Every hearing, trial, or demand without a jury .....	0	40	6	1	0	1	6	2	0
Adjournment of any cause .....	0	30	4	0	6	1	0	2	0
Entering and giving notice of special defence .....	6	30	6	1	0	1	6	2	0
Swearing every witness for plaintiff or defendant .....	0	20	2	0	3	0	4	0	6

## AMOUNT OF DEMAND.

## CLERK'S FEES:

Not exceeding 20s.	Exceeding 20s., and not exceeding 40s.	Exceeding 40s., and not exceeding 50s.	Exceeding 50s., and not exceeding 100s.	Exceeding 100s.	Founded on Contract.		Founded on Tort.	
s.	d.	s.	d.	s.	s.	d.	s.	d.
0	30	6	1	0	1	6	2	6
0	20	4	0	6	—	—	—	—
—	—	—	—	0	6	0	8	1
—	—	—	—	0	9	1	0	1
0	20	2	0	4	0	6	1	0
0	60	6	1	0	1	6	2	6
0	30	6	0	6	1	0	1	6
1	0	1	0	1	0	1	0	1
0	60	9	1	0	1	6	2	0
0	60	9	1	0	1	6	2	0
0	60	8	0	10	1	0	1	6
1	0	1	6	2	0	3	0	6
—	—	—	—	2	0	2	6	3
2	6	2	6	2	6	2	6	2
—	—	—	—	1	0	2	0	3

## HIGH BAILIFF'S FEES.

Calling every cause .....	0	20	30	4	0	6	1	0	1
Affidavit of service of summons out of the jurisdiction .....	0	20	30	6	1	0	1	6	2
Serving every summons, order, or subpoena within one mile of court-house .....	0	30	40	6	0	10	1	0	1
If above one mile, then extra for every other mile .....	0	20	20	3	0	4	0	4	—
Execution of every warrant, precept, or attachment against the goods or body within one mile of the court-house .....	1	6	6	6	4	0	5	0	7
If above one mile, then extra for every other mile .....	0	30	30	4	0	6	0	6	6
If two officers be necessary in the judgment of the court, then extra, within one mile of the court-house .....	1	0	1	6	2	0	2	0	6
If above one mile, then extra for every other mile .....	0	30	30	4	0	6	0	6	6
Keeping possession of goods till sale, per day, not exceeding five days .....	1	0	1	6	2	0	2	0	6
Carrying every delinquent to prison, including all expenses and assistants, per mile .....	1	0	1	0	1	0	1	0	1
Issuing warrant to clerk of another court .....	1	0	1	6	2	0	2	6	3

N. B. Where the plaintiff recovers less than his claim, so as to reduce the scale of costs, the plaintiff to pay the difference.—The several fees payable on proceedings in replevin to be regulated on the same scale by the amount distrained for, and on proceedings for the recovery of tenements by the yearly rent or value of the tenement sought to be recovered.

## CAP. XCVI.

An Act for the more speedy Removal of certain Nuisances, and to enable the Privy Council to make Regulations for the Prevention of contagious and epidemic Diseases until the 31st day of August, 1847, and to the End of the then next Session of Parliament.

[29th August, 1846.]

## CAP. XCVII.

An Act to provide for removing the Charge of the Constabulary Force in Ireland from the Counties, and for enlarging the Reserve Force; and to make further Provision for the Regulation and Disposition of the Constabulary Force.

[28th August, 1846.]

(To be continued.)

## London Gazette.

TUESDAY, SEPTEMBER 29.

## BANKRUPTS.

**WILLIAM GLASSCOCK**, St. Mary the Great, Cambridge, wine and spirit merchant, Oct. 12 at 1, and Nov. 9 at half-past 11, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Bevil, Cambridge; Thorndike, Staple-inn.—Fiat dated Sept. 19.

**WILLIAM BAKER**, Manchester and Salford, Lancashire, plasterer and painter, dealer in paints and colours, dealer and chapman, Oct. 14 and Nov. 11 at 11, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Cooper, Manchester; Gregory & Co., Bedford-row, London.—Fiat dated Sept. 22.

**ALFRED JOHNSON**, South Shields, Durham, printer, stationer, bookseller, dealer and chapman, Oct. 7 at half-past 10, and Nov. 5 at 2, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Wakley; Sols. Wilson, South Shields; Hodgson, Broad-street-buildings, London.—Fiat dated Sept. 22.

## MEETINGS.

*Jos. Southern*, Kidderminster, Worcestershire, victualler, Oct. 27 at half-past 10, District Court of Bankruptcy, Birmingham, last ex.—*Donald Maclean*, Upper Brook-street, Grosvenor-square, Middlesex, Witton Castle, Durham, and Woodhouse-close Colliery, near Bishop Auckland, Durham, brick maker, Oct. 22 at 11, Court of Bankruptcy, London, and. ac.—*Robt. Hearn*, Doddington-grove, Kemington, Surrey, and Wood-street, Cheapside, London, commission agent, Oct. 22 at half-past 11, Court of Bankruptcy, London, and. ac.—*John Payne*, Bristol, millwright, Oct. 20 at 12, District Court of Bankruptcy, Bristol, and. ac.—*John K. Winterbottoms*, Heaton Norris, Manchester, banker, Oct. 22 at 12, District Court of Bankruptcy, Manchester, and. ac.; Oct. 23 at 12, div.—*Wm. Walker*, Manchester, fustian manufacturer, Oct. 22 at 12, District Court of Bankruptcy, Manchester, and. ac.; Oct. 23 at 12, div.—*Sydney Pilling* and *Robert G. Watson*, Gateshead, Durham, wine merchants, Oct. 23 at half-past 10, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac.—*Robert Cook*, Gainsborough, Lincolnshire, surgeon, Oct. 21 at 10, District Court of Bankruptcy, Kingston-upon-Hull, and. ac.—*John Birch*, Kingston-upon-Hull, tailor, Oct. 21 at 10, District Court of Bankruptcy, Kingston-upon-Hull, and. ac.—*Wm. Holdsworth*, Ripley, Yorkshire, apothecary, Oct. 23 at 11, District Court of Bankruptcy, Leeds, and. ac.—*Th. Cranknell*, Birmingham, grocer, Oct. 27 at 11, District Court of Bankruptcy, Birmingham, and. ac.—*John Page*, Walsall, Staffordshire, iron-dealer, Oct. 27 at 10, District Court of Bankruptcy, Birmingham, and. ac.; Oct. 31 at 10, fin. div.—*Robert H. Page*, Great Yarmouth, Norfolk, innkeeper, Oct. 22 at 12, Court of Bankruptcy, London, div.—*Edwin B. Smithie* and *Jas. Ales. T. Mathews*, Great Dover-road, Newington, Surrey, glass merchants, Oct. 20 at 12, Court of Bankruptcy, London, div.—*John C. Hill*, Reading, Berkshire, grocer and tea dealer, Oct. 23 at half-past 11, Court of Bankruptcy, London, div.—*Robert Clifton*, Brandon, Suffolk, brewer, Oct. 23 at 11, Court of Bankruptcy, London, div.—*James Riddall Wood*, Padworth, Manchester, varnish maker, Oct. 27 at 12, District Court of Bankruptcy, Manchester, div.—*Jas. Smith Walters*, Bakewell, Derbyshire, surgeon, Oct. 21 at 12, District Court of Bankruptcy, Manchester, fin. div.—*John Bishop*, Manchester, painter, Oct. 26 at 1, District Court of Bankruptcy, Manchester, div.—*Wm. Lloyd*, Liverpool, glass merchant, Oct. 22 at 11, District Court of Bankruptcy, Liverpool, div.—*John Scott*, Newcastle-upon-Tyne, fruiterer, Oct. 23 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, first and fin. div.—*John Botcherby*, Darlington, Durham, coal miner, Oct. 23 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, div.

## CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on the Day of Meeting.

*John Bensons*, Fleet-st., London, hosiery, Oct. 23 at 2, Court of Bankruptcy, London.—*Thos. Freeman*, Wood-st.,

*Cheapside*, London, fringe-manufacturer, Oct. 23 at 12, Court of Bankruptcy, London.—*Chas. Hambridge*, Curtain-road, Shoreditch, and Milner's-mews, Hardingten-st., Paddington, Middlesex, coachsmith, Oct. 20 at half-past 1, Court of Bankruptcy, London.—*John Payne*, Bristol, millwright, Oct. 27 at 11, District Court of Bankruptcy, Bristol.—*Thomas Southern*, Gloucester, grocer, Oct. 22 at 1, District Court of Bankruptcy, Bristol.—*Wm. Williams*, Watton, St. Mary, Brecon, victualler, Oct. 22 at 12, District Court of Bankruptcy, Bristol.—*F. F. Phillips*, Bristol, coachmaker, Oct. 23 at 11, District Court of Bankruptcy, Bristol.—*Robt. S. Perrott*, Exeter, grocer, Oct. 29 at 1, District Court of Bankruptcy, Exeter.—*Robert Pattinson*, Exeter, grocer, Oct. 29 at 1, District Court of Bankruptcy, Exeter.—*Hodgson Steeling*, Well, Yorkshire, woollomber, Oct. 21 at 11, District Court of Bankruptcy, Leeds.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Oct. 20.

*Henry Tane*, Blackfriars-road, Surrey, boot manufacturer.—*Chas. Fred. Elderman*, Philpot-lane, London, commission merchant.—*Rick. David*, Newbridge, near Cardiff, Glamorganshire, draper.—*Edwin Liddle*, Kingston-upon-Hull, timber merchant.—*Wm. Gato*, Hexham, Northumberland, tea dealer.—*Robert Cook*, Gainsborough, Lincolnshire, apothecary.—*Waller Bates*, Manchester, stockbroker.—*John Thos. Carter*, Berners-street, Oxford-st., Middlesex, apothecary.—*Thomas Ashworth*, Manchester, common brewer.—*Charlotte Staples*, Southampton; milliner.

## SCOTCH SEQUESTRATIONS.

*Robert de Lambert*, Moffat, iron merchant.—*James Allan*, Edinburgh, clothier.

## INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

*William Leggett*, Cotton, near Stowmarket, Suffolk, corn miller, Oct. 8 at 12, Court of Bankruptcy, London.—*Robert Breaks*, Portsmouth, butcher, Oct. 8 at 12, Court of Bankruptcy, London.—*John Saxby*, Lindfield, Sussex, publican, Oct. 13 at 11, Court of Bankruptcy, London.—*Michael Merigan*, Dalby's-row, South-street, Isleworth, Middlesex, out of business, Oct. 8 at 12, Court of Bankruptcy, London.—*Henry Southwood*, Kensal New Town, Chelsea, Middlesex, plumber, Oct. 8 at 12, Court of Bankruptcy, London.—*Jane Eley*, Sheerness, Kent, widow, bookseller, Oct. 13 at 11, Court of Bankruptcy, London.—*Wm. Townsend*, Huddersfield, paid parochial constable, Oct. 7 at 11, District Court of Bankruptcy, Leeds.—*John Withington*, Manchester, provision dealer, Oct. 7 at 12, District Court of Bankruptcy, Manchester.—*John Cooper*, Bury, Lancashire, engineer, Oct. 9 at 12, District Court of Bankruptcy, Manchester.—*Roger Wilkinson*, Blackburn, Lancashire, baker, Oct. 9 at 12, District Court of Bankruptcy, Manchester.—*Henry Ayres*, Liverpool, professor of chymistry, Oct. 5 at 11, District Court of Bankruptcy, Liverpool.—*William Hooper*, Oaken Gates, near Wellington, Shropshire, licensed victualler, Oct. 10 at 11, District Court of Bankruptcy, Birmingham.—*Wm. Barlow*, Fenton, Stoke-upon-Trent, butcher, Oct. 27 at 10, District Court of Bankruptcy, Birmingham.—*Thomas Chappell*, West Appledore, Northam, Devonshire, following no business, Oct. 6 at 11, District Court of Bankruptcy, Exeter.—*H. Beard*, Cookley, Wolverley, Worcestershire, forgerman, Oct. 10 at 12, District Court of Bankruptcy, Birmingham.—*Thos. Warburton*, Pimhole, near Bury, Lancashire, railway time keeper, Oct. 9 at 12, District Court of Bankruptcy, Manchester.—*John Cook*, Charlston, Ashton-under-Lyne, Lancashire, reed maker, Oct. 9 at 12, District Court of Bankruptcy, Manchester.—*Samuel Brooks*, Bristol, shoemaker, Oct. 19 at 11, District Court of Bankruptcy, Bristol.—*John Palmer*, Sheffield, Yorkshire, table-blade striker, Oct. 9 at 11, Town-hall, Sheffield.

Saturday, Sept. 26.

The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.

*Sarah Graham*, West Stockwith, Misterton, Nottinghamshire, assistant to a shopkeeper, No. 58,781 C.; *Maw Parker*,

new assignee, in place of John Fish, deceased.—*Ellen Gould*, Macclesfield, Chester, widow, out of business, No. 67,294 C.; George Walker, assignee.—*H. Morgan* the younger, Castle-street East, Oxford-street, Middlesex, pork butcher, No. 44,027 T.; Thomas Biddle, assignee.—*George Harrod*, Turnham-green, Chiswick, Middlesex, cheesemonger, No. 58,349 T.; Frederick Baynham, assignee.

*Saturday, Sept. 26.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Hannah Bromley*, Theobald's-road, Red Lion-square, Middlesex, widow, out of business: in the Debtors Prison for London and Middlesex.—*G. Cannon*, Millfield-place, Green-lanes, Stoke Newington-green, Stoke Newington, Middlesex, builder: in the Debtors Prison for London and Middlesex.—*Henry Thos. Green*, Curator-street, Chancery-lane, Middlesex, lithographic printer: in the Debtors Prison for London and Middlesex.—*Joseph Russell*, Walcott-square, Lambeth, Surrey, and Aldermanbury, London, agent for the sale of Manchester and Scotch woollen goods: in the Debtors Prison for London and Middlesex.—*Eleanor John Thurkettle*, Roberts-street, Grosvenor-square, Middlesex, livery-stable keeper: in the Debtors Prison for London and Middlesex.—*Leopold Schwabacher*, Haymarket, St. James's, Middlesex, importer of foreign wines and cigars: in the Queen's Prison.—*George Davison*, Foley-street, Great Portland-street, Middlesex, upholsterer: in the Queen's Prison.—*G. Blenkinsop*, Cassop, Durham, publican: in the Gaol of Durham.—*Thomas Jones*, Liverpool, builder: in the Gaol of Lancaster.—*T. Maxwell Chalmers*, Hulme, near Manchester, gardener: in the Gaol of Liverpool.—*John Davidson*, Blyth, Northumberland, cabinet maker: in the Gaol of Morpeth.—*John Barnabas Hore*, Wigenhall St. Mary, Norfolk, brick burner: in the Gaol of Norwich.—*John Rutland*, Nottingham, coach builder: in the Gaol of Nottingham.—*James Leonard*, Magor, Monmouthshire, out of business: in the Gaol of Monmouth.—*Thomas Pearce*, Pillgwenelly, near Newport, Monmouthshire, out of business: in the Gaol of Monmouth.—*W. Emaley*, Pudsey, near Leeds, Yorkshire, cloth manufacturer: in the Gaol of York.—*Elijah Emaley*, Pudsey, near Leeds, Yorkshire, cloth manufacturer: in the Gaol of York.

#### INSOLVENT DEBTOR'S DIVIDEND.

*Captain John Tudor Tucker*, Cox's, 44, Hatton-garden, London: 2s. 8d. in the pound, (making, with former dividends, 20s.).

#### FRIDAY, OCT. 2.

##### INSOLVENT.

**JOHN SCOTT HUNTER WILLIAMS**, Corse, Gloucestershire, surgeon and apothecary, dealer and chapman.

##### BANKRUPTS.

**PETER FOOT**, Bermondsey, Surrey, licensed victualler, Oct. 9 at 11, and Nov. 13 at 2, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Pollock, 19, Essex-street, Strand.—Fiat dated Sept. 23.

**FREDERICK BRAIN**, Thomas-st., Stamford-street, Blackfriars-road, Surrey, ivory, bone, and hardwood cutter, and guano manufacturer, Oct. 13 at half-past 12, and Nov. 12 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Southey, 16, Ely-place, Holborn.—Fiat dated Sept. 29.

**STEPHEN UNWIN** the elder, **FISHER UNWIN**, and **STEPHEN UNWIN** the younger, Coggeshall, Essex, woolstaplers, (trading under the firm of S. F. and S. Unwin), Oct. 14 at 1, and Nov. 19 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Biggs & Co., Southampton-buildings, Holborn.—Fiat dated Sept. 25.

**JOHN BLOOR**, Tutbury, Staffordshire, common brewer, merchant, dealer and chapman, (late carrying on business with William Saunders and Thomas Saunders, as common brewers, at Burton-upon-Trent, under the style or firm of Saunders & Company), Oct. 10 and Nov. 4 at 1, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Moseley, Derby; Reece, Birmingham.—Fiat dated Sept. 21.

**CHARLES JUNGMICHEL**, Austin-friars, London, merchant, Oct. 14 at 2, and Nov. 12 at 1, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Buchanan, Basinghall-street.—Fiat dated Sept. 30.

**JOHN HOWARD**, Treddreith, Anglesey, and **WILLIAM LEE**, Bampton, Southampton, brickmakers, Oct. 13 and Nov. 17 at 1, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Faulkner, Chester; Philpot, Southampton-street, Bloomsbury.—Fiat dated Sept. 9.

**MICHAEL WILSON OSBORNE**, Coventry, Warwickshire, grocer, Oct. 13 and Nov. 14 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sol. Wright, London-st., Fenchurch-street, London.—Fiat dated Sept. 28.

**JOHN GILLENDER**, Sunderland, Durham, ironmonger, dealer and chapman, Oct. 9 and Nov. 18 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Price & Co., Wolverhampton; Kidson, Sunderland; Clowes & Co., Temple, London.—Fiat dated Sept. 18.

**JOHN APLIN HOWE**, Bristol, umbrella and parasol manufacturer, Oct. 19 and Nov. 19 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton.—Fiat dated June 17.

**WILLIAM COULTER**, Birkenhead, Cheshire, grocer, provision dealer, dealer and chapman, Oct. 13 and Nov. 10 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Casenove; Sols. Pemberton, Liverpool; Cornthwaite & Co., Old Jewry-chambers, London.—Fiat dated Sept. 28.

**JOHN POWNALL**, Manchester, innkeeper, dealer and chapman, Oct. 15 and Nov. 5 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Rowley & Taylor, Manchester; W. and H. P. Sharp, 2, Verulam-buildings, Gray's-inn, London.—Fiat dated Sept. 25.

**JOHN BRAMALL**, Ashton-under-Lyne, Lancashire, grocer and shopkeeper, dealer and chapman, Oct. 13 and Nov. 4 at 11, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Taylor, Manchester; Johnson & Co., Temple, London.—Fiat dated Sept. 25.

#### MEETINGS.

*John Brooks and James Brooks*, Glastonbury, Somersetshire, curriers, Oct. 23 at 11, District Court of Bankruptcy, Bristol, pr. d.—*Charles Joseph Edmonds*, Bluntisham, St. Ives, Huntingdonshire, apothecary, Oct. 26 at 12, Court of Bankruptcy, London, aud. ac.—*N. John Reed*, Marlborough, Wiltshire, licensed common brewer, Oct. 26 at 11, District Court of Bankruptcy, Bristol, aud. ac.; Oct. 27 at 11, div.—*Joseph Pearson*, Lockwood, Almondsbury, Yorkshire, grocer, Oct. 30 at 11, District Court of Bankruptcy, Leeds, aud. ac. and div.—*James Reece*, Axminster, Devonshire, ironmonger, Nov. 3 at 11, District Court of Bankruptcy, Exeter, aud. ac.; Nov. 4 at 11, fin. div.—*Joseph Lindon*, Plymouth, Devonshire, merchant, Oct. 28 at 11, District Court of Bankruptcy, Exeter, aud. ac.; Oct. 29 at 11, div.—*Thomas Symes*, Uplyme, Devonshire, draper, Oct. 28 at 11, District Court of Bankruptcy, Exeter, aud. ac.—*Henry Levy*, Plymouth, Devonshire, tobaccoconist, Oct. 28 at 11, District Court of Bankruptcy, Exeter, aud. ac.; Oct. 29 at 1, div.—*James Ark*, Taunton, Somersetshire, bookseller, Oct. 28 at 11, District Court of Bankruptcy, Exeter, aud. ac.; Oct. 29 at 1, div.—*Henry Mureh*, Norton-under-Hamdon, Somersetshire, sailcloth manufacturer, Oct. 28 at 11, District Court of Bankruptcy, Exeter, aud. ac.; Oct. 29 at 1, div.—*Charles Thomas Dunlevie*, Liverpool, corn factor, Oct. 29 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Wm. Guy Taylor* and *Elizabeth Guy*, Liverpool, hosiers, Oct. 29 at 11, District Court of Bankruptcy, Liverpool, aud. ac.; Oct. 30 at 10, div.—*Joseph Fearnley*, Bradford, Yorkshire, worsted stuff manufacturer, Nov. 4 at 11, District Court of Bankruptcy, Leeds, aud. ac.; Nov. 5 at 11, div.—*James Charles Simpson*, Sheffield, Yorkshire, pawnbroker, Nov. 13 at 11, District Court of Bankruptcy, Sheffield, aud. ac. and div.—*John Sreats*, Winkhouse, Frickley-cum-Clayton, Yorkshire, farmer and horse dealer, Nov. 4 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*E. Francis Green*, Leadenhall-street, London, merchant, Oct. 24 at half-past 11, Court of Bankruptcy, London, div.—*Robt. Hughes*, Piccadilly, St. George, Hanover-square, Middlesex, upholsterer, Oct. 24 at half-past 12, Court of Bankruptcy, London, div.—*J. Rothchild*, St. James, Bristol, watch maker, Oct. 26 at 1, District Court of Bankruptcy, Bristol, div.



## CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*William Gill*, Warrington, Lancashire, corn merchant, Oct. 29 at 12, District Court of Bankruptcy, Manchester.—*John Stendall*, Hucknall-under-Huthwaite, Nottinghamshire, baker, Nov. 20 at 11, District Court of Bankruptcy, Sheffield.—*R. Clifton*, Brandon, Suffolk, brewer, Oct. 24 at 11, Court of Bankruptcy, London.—*Thos. Rogers*, Bradford, Yorkshire, surgeon, Oct. 27 at 11, District Court of Bankruptcy, Leeds.—*Wm. Lawrence*, Sheffield, Yorkshire, stove manufacturer, Oct. 23 at 11, District Court of Bankruptcy, Sheffield.—*W. Tew*, Halifax, Yorkshire, corn dealer, Oct. 27 at 11, District Court of Bankruptcy, Leeds.—*Wm. Holder Tempest*, Leeds, Yorkshire, share broker, Oct. 27 at 11, District Court of Bankruptcy, Leeds.—*W. Buckley*, Hollingrove, Saddleworth, Yorkshire, woollen cloth manufacturer, Oct. 27 at 11, District Court of Bankruptcy, Leeds.—*Robert Nayler*, Marlborough, Wiltshire, licensed victualler, Oct. 27 at 12, District Court of Bankruptcy, Bristol.—*James Sorby*, Sheffield, Yorkshire, scrivener, Oct. 30 at 10, Town-hall, Sheffield.—*Rich. Yates* and *Thos. Hartley Williams*, Manchester, merchants, Oct. 27 at 12, District Court of Bankruptcy, Manchester.—*Anthony Birch*, Birmingham, grocer, Oct. 31 at 10, District Court of Bankruptcy, Birmingham.—*Josiah Harris*, Mevagissey, Cornwall, grocer, Oct. 29 at 1, District Court of Bankruptcy, Exeter.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Oct. 23.*

*Joseph Henry Nail*, John-street, Tottenham-court-road, Middlesex, builder.—*Horatio Rains*, Newton, Cheshire, inn-keeper.—*Edw. Steane Harley*, Birmingham, grocer.—*Rich. Brailford*, Enfield, Middlesex, common brewer.—*W. Henry Broad*, Stourport, Worcestershire, maltster.

## PARTNERSHIP DISSOLVED.

*Joel Smith* and *Samuel Wilkinson*, junior, Walsall, attorneys and solicitors.

## SCOTCH SEQUESTRATIONS.

*Malcolm & M<sup>d</sup> Donald*, Dundee, merchants.—*W. Armour*, Glasgow, mason.—*M. G. Cameron & Co.*, Edinburgh, milliners.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Wm. Baker*, Mary-place, Hope-town, Wandsworth-road, Lambeth, Surrey, general dealer, Oct. 13 at 12, Court of Bankruptcy, London.—*Geo. Fred. Sargent*, Bouverie-street, Fleet-street, London, and Canterbury, Kent, artist, Oct. 6 at 11, Court of Bankruptcy, London.—*Wm. Cross*, Manchester, assistant to a greengrocer, Oct. 12 at 12, District Court of Bankruptcy, Manchester.—*Wm. Bates*, Wigton, Cumberland, farmer, Oct. 22 at half-past 10, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Rich. Roche*, Newcastle-upon-Tyne, picture cleaner, Oct. 22 at half-past 10, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Geo. Cultimore*, Cam, near Dursley, Gloucestershire, hay jobber, Oct. 9 at half-past 11, District Court of Bankruptcy, Bristol.—*Samuel Fry*, Ashley-down, Stapleton, Gloucestershire, out of business, Oct. 26 at 11, District Court of Bankruptcy, Bristol.—*John Gregory*, Warrington, Lancashire, grocer, Oct. 15 at 12, District Court of Bankruptcy, Manchester.—*Wm. Norbury* and *John G. Holroyd*, Halifax, Yorkshire, button makers, Oct. 7 at 11, District Court of Bankruptcy, Leeds.

*Wednesday, Sept. 30.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Mrs. Clark*, Laystall-st., Liquorpond-st., Gray's-inn-lane, Middlesex, tailor: in the Debtors Prison for London and Middlesex.—*Jos. S. Legge*, Margate, Kent, grocer: in the Debtors Prison for London and Middlesex.—*Francis Higginson*, Kensington-palace, Kensington, Middlesex, improved

ship builder: in the Queen's Prison.—*Jas. Leonard*, Craven-street, Strand, Middlesex, surgeon: in the Debtors Prison for London and Middlesex.—*Alfred Rabett*, Jermyn-street, St. James's, Middlesex, general commission agent: in the Debtors Prison for London and Middlesex.—*Edw. Bennett*, Bexley-beath, near Dartford, Kent, butcher: in the Queen's Prison.—*Thos. Samuelli*, Leigh-st., Burton-crescent, and Castle-st., Leicester-sq., Middlesex, ham dealer: in the Queen's Prison.—*Martin Bell*, Little Snoring, Norfolk, blacksmith: in the Gaol of Norwich.—*William Colman*, King's Lynn, Norfolk, porter at the Crown Tavern, King's Lynn: in the Gaol of Norwich.—*Chas. Elsey*, Brockdish, Norfolk, labourer: in the Gaol of Norwich.—*Hen. Jas. Norfor*, Denes, Great Yarmouth, Norfolk, carpenter: in the Gaol of Norwich.—*George Thos. Farrar*, Selby, Yorkshire, hatter: in the Gaol of York.—*Wm. Wharrie*, Otley, Yorkshire, tinner: in the Gaol of York.—*Sam. Ruscoe*, Newton by Tattenhall, near Chester, farmer: in the Gaol of Chester.—*Jonathan Battye*, Lockwood, near Huddersfield, Yorkshire, post letter carrier: in the Gaol of York.—*Thos. Edw. Clark*, Acle, Norfolk, surgeon: in the Gaol of Norwich.

*The following Prisoner is ordered to be brought before a Commissioner on Circuit:—*

*Court-house, CHELMSFORD, Essex, Oct. 19, at 10.*

*Rich. Wolfe*, Great Buddow, Essex, jobber.

## MEETINGS.

*Henry Morgan* the younger, Gosport, Hants, pork butcher, Oct. 16 at 12, India Arm's Inn, Gosport, sp. aff.—*Thomas Walton*, Oct. 17 at 10, Brignal's, Durham, sp. aff.

The Right Hon. Sir Thomas Wilde, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas, has appointed Christopher John Geldard, of Settle, in the county of York, Gent., to be one of the Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women, in and for the West Riding of the county of York.

MEMBER RETURNED TO SERVE IN PARLIAMENT.—The Hon. Cecil Lawless, for the Borough of Clonmel, in the room of the Right Hon. David Richard Pigott, who has accepted the office of Chief Baron of her Majesty's Court of Exchequer in Ireland.

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LONDON, OCTOBER 10, 1846.

WE believe we shall be doing service to the public by calling attention to the very general practice, amongst persons who have effected insurances, of not paying the premiums on the day appointed by their policies—relying that the effect of the clause, which, in some form or other, is appended to the policies of most of the London Offices, is to maintain the validity of the policy compulsorily, as against the office, if the payment is tendered within the days of grace allowed by such clause, although the contingency against which the insurance is directed shall have already happened. The practice seems to have arisen out of total forgetfulness of the authorities which already exist upon this point, and their probable effect upon the construction of the conditions annexed by most of the London Offices to their policies.

It will be found, upon examination, that all, or nearly all, the London Life and Fire Offices make mention, in their policies or the indorsed conditions, of payment of the premium within some limited period after it is actually due; and, in the case of life policies, such postponed payment is sometimes with, and sometimes without, a penalty. The custom on life policies seems to have been established with the first office, "The Amicable;" one of the terms, indeed, upon its policies being, that "The contributions are payable yearly from the date hereof; on default for one calendar month, a penalty of 6d. for every 20s. in arrear is incurred; on default for two calendar months, 1s. for every 20s. in arrear; and on default for three calendar months, the policy becomes forfeited. But the insurers have power of re-admission within six months of the avoidance of the policy, the party being in good health, and paying a penalty according to the provisions of the ninth bye-law."

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The policies of this society depend, for their effect, so entirely upon the bye-laws, that from a policy alone it cannot be ascertained how the death of the assured, after the annual day of payment, but before actual payment within the further time limited for payment, would operate.

The cases of *Tarleton v. Staniforth* (5 T. R. 695) and *Want v. Blunt*, (12 East, 183), the latter on a life, the former on a fire policy, and both perfectly agreeing in principle, illustrate fully the point under consideration; and it is proposed, after briefly directing attention to the facts and law of those cases, to shew, by reference to the policies of some of the leading insurance offices, that very numerous parties indeed are annually incurring the risk of loss similar to that which fell on the plaintiffs in the above cases.

*Tarleton v. Staniforth* was an action by the assured against a fire office, to recover for a loss which occurred after the annual day of payments, but within the fifteen days mentioned in the indorsed conditions, and before payment of the premium, which was after the loss, tendered and refused. The policy had indorsed upon, and incorporated with it, a condition, that the assured "shall, as long as the managers agree to accept the same, make all future payments annually at the said office within fifteen days after the day limited by their respective policies, upon forfeiture of the benefit thereof;" and another, "That no insurance is to take place until the premium be actually paid by the insured, his, her, or their agent or agents." Upon these facts, the court was clearly of opinion, and that point was affirmed in the Exchequer Chamber, (1 B. & P. 471), that the policy was at end by non-payment on the very day; that the insurance was for a year, and not a year and fifteen days; and that, the receipt of the premium being in the discretion of the insurers, they had a right to refuse to continue the policy.

*Went v. Blunt* was on a policy securing an annuity to the plaintiff, the widow and sole executrix of the assured. The policy witnessed, that, in consideration of a quarterly premium of 2l. 13s. 6d. to be paid to the said society during the life of W. W., the assurers covenanted with W. W., his executors and administrators, that, if he should well and truly pay or cause to be paid to the said society the full sum of 2l. 13s. 6d. on every 26th of March, &c., during the life of the said W. W., or within such time after the said days respectively as was or should be allowed for that purpose by the rules of the said society, and if he should also pay and contribute his proportion of the monies which the members of the society should, during his life, be called upon to pay and contribute, according to the rules, to make good any deficiency of the funds of the society to answer the claims upon it, then, upon due proof of his death, the society would pay such annuity as therein mentioned. An N. B. was added, that, by the rules of the society, if any member neglect to pay the quarterly premiums for fifteen days after the same shall become due, the policy shall become void, unless the member (continuing in as good health as when the policy expired) pay up, within six calendar months then next, all arrears, together with 5s. for every month after such premium became due, or 5s. for the time elapsed, if less than a month. Among the rules of the society was one to the same effect as the above-mentioned note appended to the policy. W. W. died within fifteen days after a quarterly day of payment, without having paid the quarterly premium, and his executors tendered the money to the society within the fifteen days. Lord Ellenborough delivered an elaborate judgment, deciding that the policy was at an end by the death of W. W. before payment of the premium. In the course of the judgment, the learned lord referred to *Tarleton v. Stanforth* as decisive of the general point, that the insurance expired with the term, and did not continue during the fifteen days, or enlarged time.

By these cases the law has been long perfectly settled; indeed so long, that the decisions and the law appear, as we have above observed, to be actually forgotten in practice.

The policies of the Law Fire Insurance Society, and the indorsement, are like those in *Tarleton v. Stanforth*, but worded more strongly against the insured. The form of the policy recites, that A. B. has paid the sum of £— to the directors, and agreed to pay to them the sum of £— on the 24th day of June, 1847, and the like sum annually, on the corresponding day of each following year, during the continuance of the policy for insuring, &c.: and the witnessing part is, "That, from the 24th day of June, 1846, to and inclusive of the 24th day of June, 1847, and so long as the said insured shall duly pay the annual sum aforesaid, at the time aforesaid, and the directors for the time being of the said society shall agree to accept the same, the capital, stock, and property of the said society shall be subject" to pay the amount insured "according to the terms and conditions indorsed on this policy." Among the terms indorsed is the following: "Insurances granted for a year, or any longer time, may be renewed within fifteen days after the expiration thereof." And at the end of the fourth condition (and the conditions follow the terms) are the words, "Upon default in any of the payments for renewal of any policy at the times respectively limited for that purpose, the insurance on such policy shall cease;" and the fifth condition begins as follows: "No risk upon any insurance proposed to this society is to be considered as having commenced until the premium and duty, or a deposit on account thereof, be actually paid."

The policies of most of the London Offices are much in the same form; and recollecting that, by the au-

thorities referred to, it appears clear that the mere introduction of a proviso, that if the premiums are not paid within a given time after the day when they are due the policy shall be void, will not have the effect of keeping the policy alive after failure of payment on the proper day of annual payment, it may well be considered whether there is not extreme danger in passing the day fixed by the policy for annual payment, in every case where the condition does not in the most explicit manner make the policy a policy for a year and something more, and not merely a policy for a year, with a clause giving grace in respect of the time of payment.

It may be asked, if the Offices do not intend the policy to be capable of being kept in force by a payment after the day, but within the time of grace, what is the advantage of the condition to the insured? And if the answer could be, that there is none, an inference might be drawn in favour of the saving effect of the condition. But the answer is, at least with regard to life policies, that a reasonable construction of the condition is perfectly satisfied by holding the intention to be, merely to avoid the absolute invalidity of the policy, for the purpose of not putting the insured to the expense of effecting a new insurance, and to the payment of the advanced premium due to his increased age; and not to save the policy against invalidity for all purposes.

(To be continued).

## PUBLIC GENERAL STATUTES.

9 & 10 VICTORIA.—SESSION 6.

(Continued from p. 386).

### CAP. XCVIII.

An Act to amend the Law for regulating the Hours of receiving and delivering Goods and Chattels as Pawns in Pawnbrokers' Shops. [28th August, 1846.]

### CAP. XCIX.

An Act for consolidating and amending the Laws relating to Wreck and Salvage. [28th August, 1846.]

### CAP. C.

An Act for the Regulation of Steam Navigation, and for requiring sea-going Vessels to carry Boats. [28th August, 1846.]

### CAP. CI.

An Act to authorise the Advance of Public Money to a limited Amount, to promote the Improvement of Land in Great Britain and Ireland by Works of Drainage. [28th August, 1846.]

### CAP. CII.

An Act to amend the Laws relating to the Customs. [28th August, 1846.]

### CAP. CIII.

An Act to make further Provision for the Government of the New Zealand Islands. [28th August, 1846.]

### CAP. CIV.

An Act to amend an Act for regulating the Sale of Waste Land belonging to the Crown in the Australian Colonies, and to make further Provision for the Management thereof. [28th August, 1846.]

### CAP. CV.

An Act for constituting Commissioners of Railways. [28th August, 1846.]

- Sect. 1. *Her Majesty empowered to appoint Commissioners of Railways, one of whom to be President, and from Time to Time remove them.*  
2. *Power of Board of Trade transferred to Commissioners.*

3. *An Office to be provided under the Direction of the Treasury.*
4. *Documents sealed by Commissioners to be Evidence.*
5. *Commissioners to appoint a Secretary, Officers, &c., subject to Approval of Treasury.*
6. *Payment of Salaries to Commissioners, Officers, and Servants.*
7. *President not disqualified to sit in Parliament.*
8. *Unpaid Commissioners not disqualified to sit in Parliament.*
9. *Commissioners to exercise Powers now vested in the Board of Trade.*
10. *Commissioners to report to her Majesty and both Houses of Parliament upon any Case specially referred to them.*
11. *Commissioners empowered to inspect and survey proposed Railways.*
12. *Act may be amended, &c.*

Whereas, by an act passed in the 3 & 4 Vict. [c. 97], intituled "An Act for regulating Railways;" and by another act passed in the 5 & 6 Vict. [c. 55], intituled "An Act for the better Regulation of Railways, and for the Conveyance of Troops;" and by another act passed in the 7 & 8 Vict. [c. 85], intituled "An Act to attach certain Conditions to the Construction of future Railways authorised or to be authorised by any Act of the present or succeeding Sessions of Parliament, and for other Purposes relating to Railways;" and by two other acts passed in the 8 & 9 Vict. [cc. 20, 33], for consolidating in one act certain provisions usually inserted in acts authorising the making of railways, respectively, and by sundry local acts of Parliament, certain powers with respect to railways are vested in the lords of the committee of her Majesty's most honourable privy council for trade and foreign plantations; but it is expedient that a separate department be constituted for these purposes, and for other purposes relating to railways: Be it enacted, that it shall be lawful for her Majesty, by warrant under the royal sign-manual, to appoint any number, not more than five persons, to be commissioners of railways, and from time to time, at her pleasure, to remove all or any of the said commissioners, and to appoint others in their stead, and to appoint one of the said commissioners to be their president; and any two of the said commissioners shall be competent to act in the execution of the powers vested in them by this act; and upon any vacancy in the number of the said commissioners, it shall be lawful for the surviving or continuing commissioners, not being less than two, to act, and their acts shall be as valid as if no such vacancy had occurred; and every such appointment or new appointment, and also the day on which the said commissioners shall begin to act in execution of this act, shall be published in the London Gazette.

2. That from and after the day which shall be so specified in the London Gazette as the day on which the said commissioners shall begin to act in execution of this act, all the powers, rights, and authority now vested in or exercised by the lords of the committee of her Majesty's privy council for trade and foreign plantations by virtue of the recited acts, or by any other act of Parliament, or otherwise howsoever, with respect to any railway or intended railway, shall be transferred to and vested in and exercised by the commissioners of railways, as fully as if they had been named in the said several acts of Parliament instead of the lords of the said committee: and all provisions of the said acts shall be deemed to apply to the said commissioners instead of the lords of the said committee; and all proceedings now pending before the lords of the said committee, or carried on under their authority, shall be continued and carried on by and before the said commissioners, who shall have and exercise the same powers, rights, and authority in respect of all such proceedings as if they had been originally commenced before the said commissioners.

3. That an office shall be provided in London or Westminster, under the directions of the commissioners of her Majesty's Treasury, for the use of the commissioners appointed under this act, at or to which all notices and other documents shall be given or sent which are now by law required to be given or sent at or to the office of the lords of the said committee.

4. That the commissioners of railways shall cause a seal to be made for the purposes of their commission, and all orders and other documents proceeding from the said commissioners, and purporting to be sealed or stamped with the seal of the

said commissioners, and signed by two or more of the said commissioners, shall be received as evidence of the same respectively in all courts and before all justices and others, without any further proof thereof.

5. That the said commissioners may appoint, and at their pleasure remove, a secretary and so many other officers and servants as to them, subject to the approval of the commissioners of her Majesty's Treasury, shall appear necessary for carrying on the business of the said commission.

6. That the president and two other commissioners, and the secretary, officers, and servants of the said commissioners, shall be paid by such salaries as shall be from time to time appointed by the commissioners of her Majesty's Treasury, not exceeding the sum of 2000*l.* in the case of the president, and the sum of 1500*l.* in the case of either of the two other paid commissioners, and, in the case of the secretary and other officers and servants of the said commission, such fit salaries as shall be from time to time appointed, with due reference to their several stations and the duties they will have to perform.

7. That the office of the said president shall not be deemed such an office as shall render him incapable of being elected or of sitting or voting as a member of the Commons House of Parliament, or as shall avoid his election if returned, or render him liable to any penalty for sitting or voting in Parliament.

8. That the office of any other of the said commissioners who shall not be entitled to receive a salary by reason of his appointment to such office, shall not be deemed such an office as shall render him incapable of being elected or of sitting or voting as a member of the Commons House of Parliament, or as shall avoid his election if returned, or render him liable to any penalty for so sitting or voting; and if any such unpaid commissioner shall be a member of the House of Commons at the time of his appointment, his acceptance of such appointment shall not avoid his election or vacate his seat in Parliament; and, for the purpose of distinguishing which commissioners are qualified to sit in Parliament under this act, the warrant appointing any such commissioner shall specify that he will not be entitled, by virtue of such appointment, to receive any salary or remuneration whatsoever.

9. And whereas in some cases railway companies have exceeded the powers given to them under the acts constituting them, or have otherwise acted contrary to the provisions of the said acts, or of the general acts for regulating railways; be it enacted, that it shall be the duty of the said commissioners to prevent any such unlawful proceedings, by the exercise of any powers now vested in the lords of the said committee.

10. That it shall be the duty of the said commissioners to examine and report to her Majesty and both Houses of Parliament upon any subject relating to any railway, or proposed railway, which shall be specially referred to them for their opinion by her Majesty, or by either House of Parliament; and, in the case of any application to Parliament for any act for making or maintaining any railway, it shall be their duty, if so directed by her Majesty, or by the authority of either House of Parliament, to inquire and report, on local inspection or otherwise,—

Firstly, whether there are any lines or schemes competing with the proposed railway;

Secondly, whether, by such bill, it is proposed to take powers for uniting with such railway, or proposed railway, any other railway or canal, or to purchase or lease any railway, canal, dock, road, or other public work, undertaking, or easement;

Thirdly, whether, by such bill, it is proposed to constitute any branch railway, or any other work in connexion with the proposed railway;

Fourthly, whether any plans, maps, and sections of any such proposed railway which, pursuant to any order of either House of Parliament, shall have been deposited in their office, are correct, and, if not, in what particulars and how far they are incorrect, and whether or not, in the opinion of the commissioners, such errors as they shall find are material to the object for which such plans and sections are required.

11. That, for the purposes aforesaid, the said commissioners shall be empowered, by themselves or by such inspectors as they shall appoint for that purpose, to inspect and survey any



proposed line of railway, and, for the purposes of any such survey, they and their inspectors shall have all the powers which, under an act passed in the 4 & 5 Viet. [c. 30], intituled "An Act to authorise and facilitate the Completion of a Survey of Great Britain, Berwick-upon-Tweed, and the Isle of Man," any officers or persons appointed by or acting under the orders of the master general and Board of Ordnance, have, for the purpose of making and carrying on any survey authorised by the last-recited act; and all the provisions of the last-recited act in anywise relating to any such survey shall be deemed to apply, so far as they are applicable, to any survey which may be directed by the said commissioners under this act, provided that all allowances and payments made under this act of the same kind as those which, by the last-recited act, are to be paid out of the aids granted by Parliament to her Majesty on account of the Board of Ordnance, and also all other expenses incurred by the commissioners in making such survey and inspection, shall be paid by the provisional committee or directors, or other persons who shall be the promoters of the said intended railway; and, in case of non-payment of the same in any case, the amount of such allowances, payments, and expenses shall be deemed a speciality debt due to her Majesty from such committee-men, directors, and other persons, and each of them severally, and shall be sued for and recovered accordingly.

12. That this act may be amended or repealed by any act to be passed in this session of Parliament.

## CAP. CVI.

An Act for making preliminary Inquiries in certain Cases of Applications for Local Acts. [28th August, 1846.]

## CAP. CVII.

An Act to facilitate the Employment of the labouring Poor for a limited Period in the distressed Districts in Ireland. [28th August, 1846.]

## CAP. CVIII.

An Act to provide additional Funds for Loans and Grants for Public Works in Ireland. [28th August, 1846.]

## CAP. CIX.

An Act to authorise a further Issue of Money in aid of Public Works of acknowledged Utility in poor Districts in Ireland. [28th August, 1846.]

## CAP. CX.

An Act to amend the Law relating to the Valuation of rateable Property in Ireland. [28th August, 1846.]

## CAP. CXI.

An Act to amend the Law in Ireland as to Ejectments and Distresses, and as to the Occupation of Lands. [28th August, 1846.]

## CAP. CXII.

An Act to facilitate and encourage the granting of certain Leases for Terms of Years in Ireland. [28th August, 1846.]

## CAP. CXIII.

An Act to improve the Proceedings in Prohibition and on Writs of Mandamus in Ireland. [28th August, 1846.]

## CAP. CXIV.

An Act for the further Amendment of an Act of the sixth Year of her present Majesty, for regulating the Irish Fisheries. [28th August, 1846.]

## CAP. CXV.

An Act to amend the Laws as to District Lunatic Asylums in Ireland; to provide for the Expense of the Maintenance of certain Lunatic Poor removed from the Richmond Lunatic Asylum, Dublin, for want of Room therein; and to provide for the Salaries and Expenses incident to the Office of Inspector of Lunatics in Ireland. [28th August, 1846.]

## CAP. CXVI.

An Act to apply the Sum of Eight millions three hundred and fifty-six thousand one hundred and seventy-three Pounds Seventeen Shillings and Eleven-pence out of the Consoli-

dated Fund, and Monies in the Exchequer, to the Service of the Year 1846, and to appropriate the Supplies granted in this Session of Parliament. [28th August, 1846.]

## CAP. CXVII.

An Act to authorise the Inclosure of certain Lands pursuant to a special Report of the Inclosure Commissioners for England and Wales. [28th August, 1846.]

## LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC, AND TO BE JUDICIALLY NOTICED.

## CAP. I.

An Act for lighting with Gas the Town of Downpatrick, in the County of Down.

## CAP. II.

An Act for lighting with Gas the Town and Parish of Radcliff and the Township of Pilkington, or Parts thereof, in the County Palatine of Lancaster.

## CAP. III.

An Act for better assessing and collecting the Poor-rates, Lighting and Watching, and Church-rates, in the Parish of Aylesbury, and the Highway-rates in the Township of Aylesbury and Hamlet of Walton respectively, in the County of Buckingham.

## CAP. IV.

An Act for granting more effectual Powers for lighting with Gas the Town of Bury and the Neighbourhood thereof, in the Parish of Bury, in the County Palatine of Lancaster.

## CAP. V.

An Act to enable the United Company of Proprietors of the Ellesmere and Chester Canal to raise a further Sum of Money.

## CAP. VI.

An Act for building a Bridge across the River Medway at Rochester, in the County of Kent, with Approaches thereto; for taking down the present Bridge; and for amending the Acts relating to the same.

## CAP. VII.

An Act for repairing, improving, and maintaining certain Roads leading from the Borough of New Woodstock to Rollright-lane, and other Roads connected therewith, in the County of Oxford.

## CAP. VIII.

An Act for lighting with Gas the Town of Middleton and its Vicinity, in the County of Lancaster.

## CAP. IX.

An Act for inclosing Lands in the Parish of Willingham, in the County of Cambridge, and for draining and embanking certain Fen Lands and Low Grounds in the said Parish.

## CAP. X.

An Act to enable the Company of Proprietors of the Manchester and Salford Waterworks to raise a further Sum of Money.

## CAP. XI.

An Act for altering, amending, and enlarging the Powers and Provisions of the several Acts passed in relation to the Monkland Navigation.

## CAP. XII.

An Act for enabling the Trustees of the Enfield Chase-road to make a Deviation or Alteration of the said Road from a Point near the sixteenth Milestone, in the Parish of North Mims, to the Town of Hatfield, in the County of Hertford.

## CAP. XIII.

An Act for constructing a Wet Dock and other Works on the South Side of the River Wear, at Sunderland-near-the-Sea, in the County Palatine of Durham.

## CAP. xiv.

An Act to amend and enlarge some of the Provisions of the Acts relating to the Great Western Railway Company, and to confirm the Purchase of certain Railways by the said Company.

## CAP. xv.

An Act for enabling the Taunton Gas-light and Coke Company, incorporated by the Taunton Gas Act, 1845, to borrow additional Money for the Purposes of the Company, and for confirming a Purchase made by them; and for other Purposes.

## CAP. xvi.

An Act for improving and maintaining the Port and Harbour of Helensburgh, in the County of Dumbarton.

## CAP. xvii.

An Act for better supplying with Water the City and Neighbourhood of York.

## CAP. xviii.

An Act to incorporate the Members of the Most Honorable and Loyal Society of Ancient Britons, commonly called The Welsh Charity School, and to enable them the better to carry on their charitable Designs.

## CAP. xix.

An Act for better supplying with Water the Town and Environs of Boston, in the County of Lincoln.

## CAP. xx.

An Act for establishing a Cemetery at Birmingham, in the County of Warwick.

## CAP. xxi.

An Act to enable the Company of Proprietors of the Glasgow Waterworks to introduce an additional Supply of Water to the City and Suburbs of Glasgow.

## CAP. xxii.

An Act for providing an enlarged Site for rebuilding the Coal Market, in the City of London, and for widening the Avenues in the Vicinity thereof, and for effecting other Improvements in the said City.

## CAP. xxiii.

An Act for enabling the Parliamentary Trustees on the River Clyde and Harbour of Glasgow to acquire a Portion of the Lands of Stobcross and adjacent Grounds, and to construct thereon a Wet Dock or Tidal Basin, with certain additional Wharfs and other Works.

## CAP. xxiv.

An Act for improving and maintaining the Harbour or Port of Sligo, in the County of Sligo.

## CAP. xxv.

An Act for constructing a Pier, and forming necessary Approaches thereto, in the Parish of Weston-super-Mare, in the County of Somerset.

## CAP. xxvi.

An Act for amending certain Acts of the forty-third and fiftieth Years of the Reign of his late Majesty King George the Third, relating to the Port and Harbour of the Town and County of the Town of Southampton.

## CAP. xxvii.

An Act for establishing a general Cemetery for the Interment of the Dead in the Neighbourhood of the Towns of Plymouth, Devonport, and Stonehouse, in the County of Devon.

## CAP. xxviii.

An Act for altering, amending, and enlarging the several Acts relating to the Improvement of Birkenhead, Cloughton-cum-Grange, and Part of Oxtun, in the County of Chester.

## CAP. xxix.

An Act for improving the Borough of Leicester.

## CAP. xxx.

An Act for paving, lighting, watching, watering, cleansing, regulating, and otherwise improving the Town of Southport, in the County Palatine of Lancaster, and for establishing and regulating a Market and Market Places therein.

## CAP. xxxi.

An Act for extending the Limits of the Burgh of Helensburgh, in the County of Dumbarton, for lighting and cleansing the same, for establishing a Police therein, and for other Purposes relating thereto.

## CAP. xxxii.

An Act to erect and constitute the Parishes of Old and New Monkland, and Parts of the Parishes of Bothwell and Shotts, in the County of Lanark, into one Police District, for the Establishment of an efficient Police Force therein, and for other Purposes relating thereto.

## CAP. xxxiii.

An Act for incorporating the Gravesend and Milton Waterworks Company, and for more effectually supplying the Inhabitants of the Town and Parishes of Gravesend and Milton-next-Gravesend, and the Parish of Northfleet, in the County of Kent, with Water.

## CAP. xxxiv.

An Act for granting more effectual Powers for supplying with Water the Town of Bury, and the several Townships of Walmersley-cum-Shuttleworth, Bury, and Elton, all in the Parish of Bury, in the County Palatine of Lancaster.

## CAP. xxxv.

An Act to amend the Provisions of two several Acts passed in the third and eighth Years of his Majesty King George the Fourth, for supplying with Water the Town of Liverpool and Harrington, and Toxteth Park, in the County Palatine of Lancaster.

## CAP. xxxvi.

An Act for better supplying with Water the Town and Borough of Sunderland, and the Neighbourhood thereof, in the County of Durham.

## CAP. xxxvii.

An Act for better supplying with Gas the Town and Borough of Sunderland, and the Neighbourhood thereof, in the County of Durham.

## CAP. xxxviii.

An Act for incorporating the Rotherham Gas Light and Coke Company, and for better supplying the Parish of Rotherham, in the West Riding of the County of York, with Gas.

## CAP. xxxix.

An Act to enable the Bilston Gas Light and Coke Company to light with Gas the Town of Bilston, and certain other Townships, Parishes, and Places, in the County of Stafford.

## CAP. xl.

An Act for better supplying with Gas the Townships of Bilton-with-Harrogate and Pannal, and certain Parts of the Townships of Knaresborough and Scriven-with-Tentergate, adjacent thereto, or intermixed therewith, all in the West Riding of the County of York.

## CAP. xli.

An Act for constructing and maintaining an Arcade between Argyle Street and Great Clyde Street, in the City of Glasgow, to be called "The Union Arcade," and for altering the Site of an intended Foot Passenger Bridge across the Clyde at Glasgow.

## CAP. xlii.

An Act for the better and more effectual ascertaining, assessing, collecting, and levying the Poor Rate, and all other Rates and Assessments, in the Parish of Carshalton, in the County of Surrey, and for the better Management of the Business and Affairs of the said Parish; and for other Purposes relating thereto.

## CAP. xiii.

An Act to incorporate the Members of the Institution called "The Royal Asylum of the Saint Ann's Society," and to enable them the better to carry on their charitable Designs.

## CAP. xlii.

An Act for forming and regulating "The Electric Telegraph Company," and to enable the said Company to work certain Letters Patent.

## CAP. xlii.

An Act for incorporating the "Caledonian Insurance Company;" for enabling the said Company to sue and be sued, to take and to hold Property; for confirming the Rules and Regulations of the said Company; and for other Purposes relating thereto.

## CAP. xlii.

An Act for maintaining the Road from Deanburn, in the County of Haddington, through Greenlaw, in the County of Berwick, to Cornhill, in the County of Durham, with Branches from Carfrae Mill through Lauder, from Orange Lane to Swinton, and from Coldstreams to Mount Pleasant, all in the County of Berwick; and for maintaining the Bridge over the River Tweed, at Coldstream.

## CAP. xlii.

An Act to enlarge the Term and Powers of an Act made in the sixth Year of the Reign of his Majesty King George the Fourth, for repairing and maintaining the Road from Whiteburp, upon the Turnpike Road from Edinburgh to Greenlaw, passing through Thornydyke and Westruther to Choicelee, upon the Turnpike Road from Greenlaw to Dunse, all in the County of Berwick.

## CAP. xlviii.

An Act to alter, amend, and enlarge the Powers and Provisions of an Act passed in the second and third Years of the Reign of her present Majesty, intituled "An Act for maintaining and regulating the Market in the Parish of Sidmouth, in the County of Devon."

## CAP. xlix.

An Act for more effectually supplying Water to the Inhabitants of the Town of Bolton, and several Townships and Places adjoining or near thereto, in the County of Lancaster.

## CAP. i.

An Act for the better supplying with Gas the Royal Burgh of Dundee, Suburbs thereof, and Places adjacent; in the County of Forfar.

## CAP. ii.

An Act to authorise certain Alterations in the Line of the Syston and Peterborough Branch of the Midland Railway, and the Formation of certain other Branch Railways in connexion therewith.

## CAP. lii.

An Act for making a Railway from Maldon, through Witham, to Braintree, all in the County of Essex.

## CAP. liii.

An Act for making a Railway from the Eastern Union Railway, in the Parish of Bentley, to the Town of Hadleigh, all in the County of Suffolk, to be called "The Eastern Union and Hadleigh Junction Railway."

## CAP. liv.

An Act for making a Branch Railway from the London and Brighton Railway to or near to the Town of East Grinstead, in the County of Sussex.

## CAP. lv.

An Act to enable the South-eastern Railway Company to make and maintain a Railway from the Town of Rye to the Mouth of Rye Harbour.

## CAP. lvi.

An Act to enable the South-eastern Railway Company to construct an additional Station at Ashford, in the County of Kent; and for other Purposes.

## CAP. lvi.

An Act to amend and enlarge the Powers of the Acts relating to the Edinburgh, Leith, and Granton Railway.

## CAP. lviii.

An Act for enabling the Newcastle and Darlington Junction Railway Company to make a Railway from or near Thirk to Malton, with a Branch to Hemslay.

## CAP. lix.

An Act for enabling the York and North Midland Railway Company to extend the Line of the Whitby and Pickering Railway to or near Castleton.

## CAP. lix.

An Act to enable the Glasgow, Paisley, Kilmarnock, and Ayr Railway Company to alter their Line near Kilmarnock, and to make Branches to Linwood, Swinlees, and the Kilmarnock and Troon Railway.

## CAP. lxi.

An Act to amend the Acts relating to the Glasgow, Paisley, Kilmarnock, and Ayr Railway; and to authorise the Formation of Branches from Busby to Irvine, and from Irvine to the Harbour thereof, with a subsidiary Branch to Perceiton Coalworks.

## CAP. lxii.

An Act to enable the Glasgow, Paisley, Kilmarnock, and Ayr Railway Company to make a Branch from their Railway near Blair to Strathaven; and to amend the Acts relating to such Railway.

## CAP. lxiii.

An Act for making Railways from the Brighton, Lewes, and Hastings Railway to Eastbourne, to Hailham, and to Seaford and Newhaven, and certain Deviations from the Line of the said Railway, all in the County of Sussex.

## CAP. lxiv.

An Act to authorise the South-eastern Railway Company to make a Railway from Tunbridge Wells to join the Rye and Ashford Extension of the Brighton, Lewes, and Hastings Railway near Hastings.

## CAP. lxv.

An Act for enabling the York and North Midland Railway Company to make certain Branch Railways in the East Riding of the County of York; and for other Purposes.

## CAP. lxvi.

An Act for enabling the York and North Midland Railway Company to make certain Branch Railways in the East Riding of the County of York; and for other Purposes.

## CAP. lxvii.

An Act to empower the London and Birmingham Railway Company to make a Branch Railway from Rugby to the Syston and Peterborough Railway near Stamford.

## CAP. lxviii.

An Act for making a Branch Railway from the Brighton and Chichester Railway to the Town of Littlehampton in the County of Sussex.

## CAP. lxix.

An Act for making a Branch Railway from the Brighton and Chichester Railway to the Town of Steyning in the County of Sussex.

## CAP. lxx.

An Act to enable the Edinburgh and Glasgow Railway Company to alter the Line of the Glasgow Junction Railway, and to form a Branch to South Queensferry.

## CAP. lxxi.

An Act for making a Railway from London to York, with Branches therefrom providing for the Counties of Hertford, Bedford, Huntingdon, Northampton, Rutland, Nottingham, and the three Divisions of the County of Lincoln, a Railway Communication with London and York, to be called "The Great Northern Railway."

## CAP. lxxii.

An Act to enable the Edinburgh and Northern Railway Company to purchase the Ferry across the River Tay, between Ferry-Port-on-Craig and Broughtly.

## CAP. lxxiii.

An Act to empower the North British Railway Company to construct certain Branch Railways in connexion with the Hawick Branch of the North British Railway.

## CAP. lxxiv.

An Act to authorise the Construction of several Branch Railways and other Works in connexion with the North British Railway.

## CAP. lxxv.

An Act to enable the Scottish Midland Junction Railway Company to make certain Branch Railways; and to amend the Act relating to such Railway.

## CAP. lxxvi.

An Act for making a Railway from the Eastern Counties Railway at Marks Tey, near Colchester, to the Town of Sudbury, in the County of Suffolk, and the Town of Halstead, in the County of Essex, with a Branch Railway from the Eastern Union Railway to the Hythe at Colchester.

## CAP. lxxvii.

An Act for making a Railway from the Scarborough Branch of the York and North Midland Railway at Norton, near Malton, to the Bridlington Branch of the Hull and Selby Railway at Great Driffield, with a Branch therefrom.

## CAP. lxxviii.

An Act to enable the Arbroath and Forfar Railway Company to raise an additional Sum of Money; and to amend the Acts relating to the said Company.

## CAP. lxxix.

An Act to enable the Edinburgh and Northern Railway Company to alter their Line of Railway near to Dysart, to make a Branch Railway from Kinghorn to the Harbour of Pettycur, and for other Purposes relating to the said Company.

## CAP. lxxx.

An Act to empower the Manchester and Birmingham Railway Company to make a Branch Railway to Bollington.

## CAP. lxxxi.

An Act for making a Railway from Glasgow to Dumbarton and Lochlomond, and with Branches to Helensburgh and other Places, to be called "The Caledonian and Dumbartonshire Junction Railway."

## CAP. lxxxii.

An Act for making a Railway from Oxford to the London and Birmingham Railway at Bletchley, in the County of Buckingham.

## CAP. lxxxiii.

An Act for making a Railway from the Croydon and Epsom Railway at Epsom to the Town of Portsmouth, to be called "The Direct London and Portsmouth Railway."

## CAP. lxxxiv.

An Act for making a Railway from Harecastle to join the Manchester and Birmingham Railway at or near the Sandbach Station thereon.

## CAP. lxxxv.

An Act for making a Railway from the Manchester and Birmingham Railway at Macclesfield to the Trent Valley Railway at Colwich, with Branches.

## CAP. lxxxvi.

An Act for making a Railway from the Manchester and Birmingham Railway at Macclesfield to join the Birmingham and Derby Line of the Midland Railways, with a Branch to Stoke-upon-Trent.

## CAP. lxxxvii.

An Act for making a Railway from Belfast to Downpatrick, with Branches to the Towns of Holywood, Newtownards, Bangor, and Donaghadee, all in the County of Down.

## CAP. lxxxviii.

An Act for making a Railway from Great Grimsby by Louth and Alford to Boston, all in the County of Lincoln, to be called "The East Lincolnshire Railway."

## CAP. lxxxix.

An Act for enabling the York and North Midland Railway Company to make a more direct Line of Railway between York and Leeds.

## CAP. xc.

An Act for making a Railway, to be called "The Liverpool, Manchester, and Newcastle-upon-Tyne Junction Railway," with a Branch to the Town of Hawes.

## CAP. xci.

An Act for making a Railway from the Chester and Birkenhead Railway to the Manchester and Birmingham Railway, with Branches therefrom, to be called "The Birkenhead, Lancashire, and Cheshire Junction Railway."

## CAP. xcii.

An Act for making a Railway from the Leeds and Bradford Extension Railway to the Lancaster and Carlisle Railway, with a diverging Line therefrom to Lancaster, to be called "The North-western Railway."

## CAP. xciii.

An Act for making a Railway from the Line of the Syston and Peterborough Railway in the Parish of Helpstone, near to the Town of Stamford, to the Line of the Wisbech Branch of the Lynn and Ely Railway at or near to the Town of Wisbech, to be called "The Boston, Stamford, and Birmingham Railway."

## CAP. xciv.

An Act for improving and maintaining the Harbour of Port Ellen, in the County of Argyll.

## CAP. xciv.

An Act for enabling the Newcastle and Darlington Junction Railway Company to make a Railway from the Line of the Great North of England Railway to or near to Borough-bridge.

## CAP. xcvi.

An Act for enabling the Newcastle and Darlington Junction Railway Company to make a Railway from the Line of the Great North of England Railway to Bedale.

## CAP. xcvi.

An Act to empower the Eastern Union Railway Company to complete the Eastern Union Railway from the Junction thereof with the Line of the Eastern Counties Railway at Ardsleigh to Colchester.

## CAP. xcvi.

An Act for making certain new Lines and Deviations in the Line of the Great Grimsby and Sheffield Junction Railway, and for constructing a Branch therefrom to the Town of Caistor, all in the Parts of Lindsey in the County of Lincoln.

## CAP. xcix.

An Act for enabling the Great Grimsby and Sheffield Junction Railway Company to make an Extension from the Market Rasen Branch from the Great Grimsby and Sheffield Junction Railway to communicate with the City of Lincoln, and also a Branch to the Town of Barton-upon-Humber, and other Works connected therewith.

## CAP. c.

An Act to authorise the Great Grimsby and Sheffield Junction Railway Company to make an Extension from their Line of Railway in the Parish of Bole, in the County of Nottingham, to the Town of Newark-upon-Trent, in the same County.

## CAP. ci.

An Act for establishing a Steam Communication across the River Humber in connexion with "The Great Grimsby and Sheffield Junction Railway."

## CAP. cii.

An Act to empower the Midland Railway Company to make a Railway from Pye Bridge to the Clay Cross Station of the Midland Railway, and a Branch in the Parish of Crich.

## CAP. ciil.

An Act for making a Railway from Aberdeen to Inverness, with Branches to Banff, Portsoy, Garmouth, and Burchhead, to be called "The Great North of Scotland Railway."

## CAP. civ.

An Act to enable the Ballochney Railway Company to improve the Gauge of their Rails.

## CAP. cv.

An Act for making a Railway Communication between the City of Bristol and the proposed South Wales Railway in the County of Monmouth, with a Branch Railway therefrom.

## CAP. cvi.

An Act for amending an Act passed in the thirtieth Year of the Reign of his late Majesty King George the Third, for making and maintaining a navigable Communication between Stowmarket and Ipswich, in the County of Suffolk, so as to enable the Trustees of such Act to lease the said Navigation; and for other Purposes connected therewith.

## CAP. cvii.

An Act to enable the Slammann Railway Company to make a Railway to Borrowstouness, with Branches to the Edinburgh and Glasgow Railway.

## CAP. cviii.

An Act for making a Pier from the Common Hard at the Eastern or Portsmouth Side of the Harbour of Portsmouth, in the Parish of Portsea, in the County of Southampton.

## CAP. cix.

An Act for enabling the Trustees of the Liverpool Docks to construct additional Wet Docks and other Works, and to raise a further Sum of Money; and for extending and amending the Acts relating to the Docks and Harbour of Liverpool.

## CAP. cx.

An Act for constructing Docks and other Works at Coble Dean, in the County of Northumberland, and in the Borough and County of Newcastle-upon-Tyne, to be called "The Northumberland Docks."

## CAP. cxii.

An Act for better supplying with Water the Inhabitants of the City of Lincoln, and certain Parishes and Places adjacent thereto in the County of Lincoln.

## CAP. cxiii.

An Act for the better supplying with Water the Town and Borough of Warrington, or Parts thereof, in the Counties of Lancaster and Chester, and the Townships of Latchford and Appleton, in the last-mentioned County.

## CAP. cxiiii.

An Act for supplying with Water the Hamlets or Places of High and Low Harrogate, in the several Townships of Knaresborough, Pannal, Bilton-with-Harrogate, and Scriven-with-Tentergate, in the Parishes of Knaresborough and Pannal, in the West Riding of the County of York.

## CAP. cxv.

An Act for better supplying with Gas the Town and Borough of Stafford, and the several Parishes and Townships of Saint Mary and Saint Chad, in Stafford, Castle Church, Hopton, and Coton, and Tillington, all in the County of Stafford.

## CAP. cxvi.

An Act for lighting with Gas and supplying with Water the Town of Hartlepool, and the Neighbourhood thereof, in the County of Durham.

## CAP. cxvii.

An Act for better supplying with Gas and Water the Town and Parish of Kendal, in the County of Westmoreland.

## CAP. cxviii.

An Act for lighting with Gas the Parish and Borough of Great Grimsby, in the County of Lincoln.

## CAP. cxviii.

An Act for supplying and lighting the Town of Hamilton and Places adjacent thereto with Gas.

## CAP. cxix.

An Act for better paving, lighting, cleansing, regulating, and improving the Town of Burnley, in the County Palatine of Lancaster, and for better supplying the Inhabitants thereof with Water.

## CAP. cxx.

An Act to alter, amend, and enlarge the Powers and Provisions of an Act passed in the first Year of the Reign of her present Majesty, intituled "An Act to enable the Mayor, Aldermen, and Burgesses of the Borough of Liverpool to open and widen certain Streets and Places, and otherwise to improve the same; and to enable the said Mayor, Aldermen, and Burgesses to appropriate certain Lands, Tenements, and Hereditaments for public Purposes, and also to erect public Buildings."

## CAP. cxxi.

An Act for lighting with Gas the Borough of Newcastle-upon-Tyne, and for varying and extending the Powers of the several Acts for regulating and improving the said Borough.

## CAP. cxxii.

An Act for paving the Footways in the Town of Sittingbourne, in the Parish of Sittingbourne, in the County of Kent, and for lighting the Streets, and for the Removal and Prevention of Nuisances and Annoyances within the said Parish.

## CAP. cxxiii.

An Act for widening, altering, and improving certain Streets within the City of York; and for other Purposes.

## CAP. cxxiv.

An Act for paving, cleansing, draining, and improving the Town of Bromsgrove, for opening a new Street therein and in the Parish of Stoke Prior, both in the County of Worcester, and for the better assessing and collecting the Poor, Church, and Highway Rates within the Parish of Bromsgrove.

## CAP. cxxv.

An Act for regulating the Repair and Maintenance of the Roads and Streets within the Town of Leith, and the Assessments payable in respect thereof.

## CAP. cxxvi.

An Act for more effectually regulating the Salford Hundred Court, for extending the Jurisdiction and Powers of the said Court, and for establishing and constituting it as a Court of Record.

## CAP. cxxvii.

An Act for the Improvement of the Sewerage and Drainage of the Borough of Liverpool, and for making further Provisions for the sanitary Regulation of the said Borough.

## CAP. cxxviii.

An Act for improving the Drainage of the Vallies of the Rye and Derwent, in the North and East Ridings of the County of York.

## CAP. cxxix.

An Act for making a Railway from Exeter to Exmouth, to be called "The Exeter and Exmouth Railway."

## CAP. cxxx.

An Act for making a Railway from the Polloc and Govan Railway to the River Clyde and Harbour of Glasgow, with Branches, to be called "The General Terminus and Glasgow Harbour Railway."

## CAP. cxxxi.

An Act for amending the Acts relating to the London and South-western Railway Company; and to authorise the said Company to enter into Contracts and to complete Arrangements with certain other Railway Companies.

## CAP. cxxxii.

An Act for enabling the Norfolk Railway Company to purchase or lease the Lowestoft Railway, Harbour, and Navigation.

## CAP. cxxxiii.

An Act to enable the Dundee and Arbroath Railway Company to make a Railway from their Line at Broughty to Broughty Ferry Castle, and another Railway from their Line at Geordies Burn to the Arbroath and Forfar Railway at Almerie-clos.

## CAP. cxxxiv.

An Act for making a Railway from Kintore to Alford, to be called "The Alford Valley Railway."

## CAP. cxxxv.

An Act for making a Railway from Dyce to Fraserburgh, with a Branch to Peterhead, to be called "The Great North of Scotland [Eastern Extension] Railway."

## CAP. cxxxvi.

An Act to enable the Edinburgh and Northern Railway Company to extend their Line of Railway from Cupar to Newport.

## CAP. cxxxvii.

An Act for making a Railway from the Town of Oban to Crianlarich, in the County of Perth, with a Branch to Lochlomond, to be called "The Scottish Grand Junction Railway."

## CAP. cxxxviii.

An Act to enable the Edinburgh and Northern Railway Company to make a Railway from their Line at Thornton to Dunfermline.

## CAP. cxxxix.

An Act to enable the Edinburgh and Northern Railway Company to make a Railway from Newburgh to the Scottish Central Railway at Hilton.

## CAP. cxl.

An Act to enable the Great Leinster and Munster Railway Company to extend their Railway to Clonmel.

## CAP. cxli.

An Act for making a Railway from and out of the Glasgow, Barrhead, and Neilston Direct Railway, near to Pollokshaws, to the Town of Strathaven.

## CAP. cxlii.

An Act to enable the Glasgow, Barrhead, and Neilston Direct Railway Company to make Branch Railways to Thornliebank and Househill; and to amend the Act relating to such Railway.

## CAP. cxliii.

An Act to enable the Glasgow, Paisley, and Greenock Railway Company to make a Branch Railway to the River and Frith of Clyde, at or near Greenock, and a Pier or Wharf in connexion therewith.

## CAP. cxliv.

An Act for extending the Time for taking Lands, and for completing the Undertaking called "The Thames Haven Dock and Railway," authorised to be made by two Acts passed in the seventh Year of the Reign of his late Majesty, and the sixth Year of the Reign of her present Majesty.

## CAP. cxlv.

An Act to enable the Bridgewater and Taunton Canal Company to make a Railway from Bridgewater to the Bristol Channel, at or near Stolford, in the County of Somerset, with Branches therefrom, and to make a Harbour at or near Stolford.

## CAP. cxlvi.

An Act for constructing Docks, Walls, Warehouses, and other Works at Torteth-park, in the County of Lancaster, to be called "The Herculeaneum Docks."

## CAP. cxlvii.

An Act to authorise the Sale of the Monkland Navigation to the Company of Proprietors of the Forth and Clyde Navigation.

## CAP. cxlviii.

An Act for making a Railway from the Borough of Cork, through Blacklock, to the Town of Passage West.

## CAP. cxlix.

An Act to enable the Leeds and Thirsk Railway Company to make a Railway from Northallerton to the Stockton and Hartlepool Railway.

## CAP. cl.

An Act to enable the Scottish Central Railway Company to make a Branch Railway by Alloa Ferry to Tillicoultry.

## CAP. cli.

An Act to enable the Slamannan Railway Company to make Branch Railways to Bathgate and Jawcraig.

## CAP. clii.

An Act to empower the London and Birmingham Railway Company to enlarge their Stations in London; and for other Purposes.

## CAP. cliii.

An Act for enabling the Leeds and Thirsk Railway Company to make certain Deviations in the Line of the St. Helen's Branch of the said Railway.

## CAP. cliv.

An Act to enable the Leeds and Thirsk Railway Company to alter and extend the Line of Part of their Railway; and for other Purposes.

## CAP. clv.

An Act for making a Railway from or near the Ambergate Station of the Midland Railway, through Nottingham, to Spalding and Boston, with Branches therefrom, and for enabling the Company to purchase the Nottingham and Grantham Canals.

## CAP. clvi.

An Act to empower the Midland Railway Company to make several Branches from the Erewash Valley Railway.

## CAP. clvii.

An Act to empower the Midland Railway Company to make a Railway from the Midland Railway at Clay Cross to join the Nottingham and Lincoln Railway, with Branches.

## CAP. clviii.

An Act for making a Railway from Ferryhill, near Aberdeen, to Aboyne, to be called "The Deeside Railway."

## CAP. clix.

An Act for making a Railway from the Glasgow, Barrhead, and Neilston Direct Railway to the Town of Kilmarnock, with certain Branches therefrom, to be called "The Glasgow, Kilmarnock, and Ardrossan Railway," and to purchase the Ardrossan Railway and Harbour.

## CAP. clx.

An Act to enable the Wilsontown, Morningside, and Coltness Railway Company to make a Branch to the Caledonian Railway.

## CAP. clxi.

An Act to enable the Wilsontown, Morningside, and Coltness Railway Company to improve their Line, and to make Branch Railways to Shotts and Climpy.

## CAP. clxii.

An Act to enable the Wilsontown, Morningside, and Coltness Railway Company to make a Branch Railway to the Town of Bathgate.

## CAP. clxiii.

An Act to empower the Midland Railway Company to make a Railway from Nottingham to Mansfield.

## CAP. clxiv.

An Act for making a Railway from Knaresborough to, or near to, the City of York, to be called "The East and West Yorkshire Junction Railway."

## CAP. clxv.

An Act for making a Railway from the Edinburgh and Glasgow Railway to the Scottish Central Railway, to be called "The Stirlingshire Midland Junction Railway."

## CAP. clxvi.

An Act for making a Railway from the Great Western Railway at West Drayton to Uxbridge, in Middlesex.

## CAP. clxvii.

An Act for making a Railway from Wexford to Carlow.

## CAP. clxviii.

An Act for extending and altering some of the Provisions of the Acts relating to the Great Leinster and Munster Railway.

## CAP. clxix.

An Act to empower the Norfolk Railway Company to make a Railway Communication between the Dereham Branch of the Norfolk Railway and the Towns of Wells and Blakeney in the County of Norfolk.

## CAP. clxx.

An Act for making a Railway from Royston to Hitchin.

## CAP. clxxi.

An Act for making a Railway from Reading to Guildford and Reigate.

## CAP. clxxii.

An Act for making a Railway from Chesterford to Newmarket, with a Branch to Cambridge.

## CAP. clxxiii.

An Act to enable the London and South-western Railway Company to make a Branch Railway to Farnham, in the County of Surrey, and Alton, in the County of Southampton.

## CAP. clxxiv.

An Act to enable the London and South-western Railway Company to make a Branch Railway to Chertsey and Egham, in the County of Surrey.

## CAP. clxxv.

An Act to enable the London and South-western Railway Company to make a Branch Railway to Hampton Court-bridge, in the County of Surrey.

## CAP. clxxvi.

An Act for making a Railway from the Scottish Central Railway at Dunblane, by Doune, to Callander, to be called "The Dunblane, Doune, and Callander Railway."

## CAP. clxxvii.

An Act for making a Railway from Skipton to York, to be called "The Wharfedale Railway."

## CAP. clxxviii.

An Act for making a Railway from Stotfield and Loughborough Harbour to Elgin, Rothas, and Craigellachie, to be called "The Morayshire Railway."

## CAP. clxxix.

An Act to enable the Monkland and Kirkintilloch Railway Company to make Branch Railways to Chapel Hall and the Glasgow, Garakirt, and Coatbridge Railway.

## CAP. clxxx.

An Act to enable the Scottish Central Railway Company to make a Branch Railway to Denny, in the County of Stirling.

## CAP. clxxxi.

An Act for making a Railway from the Yeovil Branch of the Bristol and Exeter Railway to or towards the Town of Crewkerne, in the County of Somerset; and for amending the Acts relating to the Bristol and Exeter Railway.

## CAP. clxxxii.

An Act for vesting the Aylesbury Railway in the London and Birmingham Railway Company.

## CAP. clxxxiii.

An Act to enable the St. Helen's Canal and Railway Company to make a Railway from the Township of Eccleston to the Township of Garston, with Branches therefrom, and Docks at Garston aforesaid, all in the County of Lancaster.

## CAP. clxxxiv.

An Act for making a Harbour and Docks at Heysham, on Morecambe Bay, in the County of Lancaster, and a Railway in connexion therewith.

## CAP. clxxxv.

An Act to empower the Wakefield, Pontefract, and Gole Railway Company to make three several Branch Railways.

## CAP. clxxxvi.

An Act for erecting the Town or Village of Ardrossan and Places adjacent, in the County of Ayr, into a Burgh of Barony; for paving, lighting, and cleansing the same; for establishing a Police therein; and for other Purposes relating thereto.

## CAP. clxxxvii.

An Act for enabling the Sheffield, Ashton-under-Lyne, and Manchester Railway Company to provide additional Station Room at Sheffield, and also to make a Branch Railway to Dukinfield, and to purchase and maintain a Branch already made from their main Line to Glossop; and for other Purposes.

## CAP. clxxxviii.

An Act to enable the Glasgow, Paisley, and Greenock Railway Company to make a Branch Railway to the Polloc and Govan Railway; and to amend the Acts relating to the said Railway.

## CAP. clxxxix.

An Act to enable the Scottish Central Railway Company to make certain Terminal Branches and other Works at the City of Perth.

## CAP. cxc.

An Act for making a Railway from the Edinburgh and Northern Railway at Marinchon to Anstruther Easter, with a Branch to the Kirkland Works, to be called "The East of Fife Railway."

## CAP. xcxi.

An Act to enable the Scottish Central Railway Company to make a Branch Railway to Crieff, in the County of Perth.

## CAP. xcii.

An Act for making a Railway from the Manchester and Birmingham Railway at Chesdale, in the County of Chester, to or near to the Ambergate Station of the Midlands Railway, in the County of Derby, to be called "The Manchester, Burton, Matlock, and Midlands Junction Railway."

## CAP. xciii.

An Act for enabling the Grand Junction Railway Company to make a Branch Line of Railway from Huxton to Warrington; and for amending the former Acts relating to the said Company.

## CAP. xciv.

An Act for making a Railway from the Town of Malloy to the Town of Fermoy.

## CAP. xciv.

An Act for making a Railway from the City or Borough of Limerick to the Borough of Ennis, with Branches to the Towns of Clare and Killaloe, and to join the Great Southern and Western Railway.

## CAP. xcvi.

An Act to enable the Great Southern and Western Railway Company to extend their Railway from their present Terminus in the City of Cork to the River Lee, in the same City.

## CAP. xcvi.

An Act for making a Railway from the Great Southern and Western Railway at the Townland of Carna, or Currane to the Town of Mountmellick.

## CAP. xcvi.

An Act for completing a Railway Communication between the Town of Clonmel and the Great Southern and Western Railway at or near the Town of Thurles.

## CAP. xcix.

An Act for making a Railway from Dublin to Dendrum and Rathfarnham, to be called "The Dublin, Dendrum, and Rathfarnham Railway."



## CAP. cc.

An Act for making a Railway from the Town of Mallow to the Town of Killyarney, to be called "The Killyarney Junction Railway."

## CAP. cci.

An Act for making a Railway from the Glasgow, Barrhead, and Neilston Direct Railway to the Caledonian Railway.

## CAP. ccii.

An Act for making a Railway from Stirling to Dunfermline, with Branches to Tillicoultry and to Alloa Harbour, to be called "The Stirling and Dunfermline Railway."

## CAP. cciii.

An Act to enable the Midland Railway Company to make a Railway, from Burton-upon-Trent to Nuneaton, with Branches, and to purchase the Ashby-de-la-Zouch Canal.

## CAP. cciv.

An Act to consolidate the London and Birmingham, Grand Junction, and Manchester and Birmingham Railway Companies.

## CAP. ccv.

An Act to enable the Eastern Counties Railway Company to make a Railway from Epping to a Point of Junction with the Colchester Line of the Eastern Counties Railway at or near the Ilford Station thereon.

## CAP. ccvi.

An Act to enable the Wishaw and Coltness Railway Company to make a Branch Railway from the Wishaw and Coltness Railway to Murdieston, with a Branch to Goodcockhill.

## CAP. ccvii.

An Act for enabling the Newcastle and Berwick Railway Company to make a certain Branch Railway in the County of Northumberland.

## CAP. ccviii.

An Act for making a Railway and Branch Railway, to be called "The Waterford, Wexford, Wicklow, and Dublin Railway."

## CAP. ccix.

An Act for making and maintaining a Railway from Templemore to Nenagh.

## CAP. ccx.

An Act to enable the Midland Great Western Railway of Ireland Company to make a Deviation in the authorised Line of the said Railway, and also a Branch Railway to the River Liffy.

## CAP. ccxi.

An Act to enable the Kilmarnock and Troon Railway Company to let on Lease their Railway to the Glasgow, Paisley, Kilmarnock, and Ayr Railway Company; and to authorise the said Glasgow, Paisley, Kilmarnock, and Ayr Railway Company to alter Parts of the said Kilmarnock and Troon Railway, and to construct certain Branch Railways in connexion therewith.

## CAP. ccxii.

An Act for empowering the Wakefield, Pentefract, and Goole Railway Company to construct a Jetty and other Works, and to provide a Station, Coal Stairs, and other Conveniences, at the Port of Goole; and for other Purposes relating to the said Port.

## CAP. ccxiii.

An Act for extending the Line of the Dublin and Kingstown Railway to the Bridge of Bray, in the County of Dublin.

## CAP. ccxiv.

An Act to provide for the Repair of the Parish Church of South Leith, in the County of Edinburgh, and for the Administration of the Property and Revenues thereof; to alter the existing Mode of electing a Minister to the Second Charge of the said Church and Parish; to confirm the Proceedings of the Heritors of the said Parish relating to the Purchase of a suitable House as a Manse; and to effect other Objects in connexion with the said Church and Parish.

## CAP. ccxv.

An Act to enable the Chard Canal Company to convert into a Railway the Portion of the Chard Canal from Creech Saint Michael to Ilminster, all in the County of Somerset.

## CAP. ccxvi.

An Act for lighting with Gas the Town and Borough of Stockton and other Places in the Counties of Durham and York.

## CAP. ccxvii.

An Act for better supplying with Gas the City of Worcester and the Suburbs thereof.

## CAP. ccxviii.

An Act for regulating the Markets and Fairs in the Borough and Town of Yeovil, in the County of Somerset.

## CAP. ccxix.

An Act for providing Market Places and for regulating the Markets and Fairs in the Borough of Manchester, in the County Palatine of Lancaster.

## CAP. ccxx.

An Act for more effectually supplying with Water the City of Bath, and several Parishes and Places adjacent thereto.

## CAP. ccxxi.

An Act for better supplying with Water the Town and Borough of Newport, in the County of Monmouth.

## CAP. ccxxii.

An Act for supplying with Water the City of Bristol and certain Parishes adjacent thereto in the Counties of Gloucester and Somerset.

## CAP. ccxxiii.

An Act to amend the Acts relating to the Witham Navigation, and to reduce the Tolls on the said Navigation.

## CAP. ccxxiv.

An Act to enable the Midland Great Western Railway of Ireland Company to make a Railway from Mullingar to Athlone.

## CAP. ccxxv.

An Act for better assessing and collecting the Poor Rates, Highway Rates, Borough Rates, County Rates, Lighting, Watching, and Cleansing Rates, and all other Parochial Rates, on small Tenements, in the Parish of Aston-juxta-Birmingham, in the County of Warwick.

## CAP. ccxxvi.

An Act for better raising and more securely constituting the Fund for the Relief of Widows and Children of Bachelors and Parochial Schoolmasters in Scotland.

## CAP. ccxxvii.

An Act for more effectually maintaining and repairing certain Roads in the Counties of Banff, Aberdeen, and Elgin.

## CAP. ccxxviii.

An Act to enable the Dundee and Perth Railway Company to alter their Line at Inchyra and Lairwell, and to extend the same towards the Penitentiary at Perth.

## CAP. ccxxix.

An Act to enable the Caledonian Railway Company to make Branch Railways from the Castlecary Branch of the Caledonian Railway to the Glasgow, Garnkirk, and Coatbridge Railway.

## CAP. ccxxx.

An Act for enabling the Sheffield, Ashton-under-Lyne, and Manchester Railway Company to make Branch Railways from or in connexion with their Main Line of Railway to Whaley Bridge and Hayfield, to be called "The Whaley Bridge and Hayfield Branches."

## CAP. ccxxxi.

An Act for vesting in the Grand Junction Railway Company and the Manchester and Leeds Railway Company the North Union Railway, and all the Works, Property, and Effects appertaining thereto.

## CAP. cccxxii.

An Act for making a Railway from Birmingham to Lichfield, to be called "The Birmingham, Lichfield, and Manchester Railway."

## CAP. cccxxiii.

An Act for making a Railway from the Oxford and Bletchley Junction Railway to Buckingham and Brackley.

## CAP. cccxxiv.

An Act to enable the London and Croydon Railway Company to construct a Branch to Deptford; and for amending the Acts relating to such Railway.

## CAP. cccxxv.

An Act for enabling the Newcastle and Darlington Junction Railway Company to purchase the Durham and Sunderland Railway and the Wearmouth Dock.

## CAP. cccxxvi.

An Act for making a Railway from the Great Western Railway at Maidenhead, in Berkshire, to the Town of High Wycombe, in the County of Buckingham.

## CAP. cccxxvii.

An Act for making a Railway from Johnstone to the Bridge of Weir, with a Branch to Kilbarehan, to be called "The Ayrshire and Bridge of Weir Railway."

## CAP. cccxxviii.

An Act for making a Railway from Ashburton, in the County of Devon, to join the South Devon Railway.

## CAP. cccxxix.

An Act for extending the Line of the South Wales Railway, and for making certain Alterations of the said Railway, and certain Branch Railways in connexion therewith.

## CAP. ccxl.

An Act for making a Railway from Gloucester to the Monmouth and Hereford Railway, and to the South Wales Railway at Awre, to be called "The Gloucester and Dean Forest Railway."

## CAP. ccxli.

An Act for enabling the Hull and Selby Railway Company to lease and also to sell their Railway to the York and North Midland and Manchester and Leeds Railway Companies, or one of them; and to authorise the raising of additional Money by both or either of the last-mentioned Companies for those and other Purposes.

## CAP. ccxlii.

An Act for enabling the Great North of England Railway Company to lease and also to sell their Railway to the Newcastle and Darlington Junction Railway Company; and to authorise the raising of additional Money by the said last-mentioned Company for those and other Purposes.

## CAP. ccxliii.

An Act for vesting the Leicester and Swannington Railway in the Midland Railway Company.

## CAP. ccxliv.

An Act for carrying into effect certain Arrangements between the London and Birmingham Railway Company and the Company of Proprietors of the Birmingham Canal Navigations, and for granting certain Powers to the said respective Companies.

## CAP. ccxlv.

An Act for making a Railway from Newry, in the Counties of Armagh and Down, to Rostrevor, in the County of Down, with a Branch to Warrenpoint, in the same County.

## CAP. ccxlvi.

An Act for making a Railway from Preston, in the County Palatine of Lancaster, to Clitheroe, in the same County Palatine.

## CAP. ccxlvii.

An Act to authorise the widening and Enlargement of Part of the Line of the York and North Midland Railway, or the Construction and Maintenance of a Railway adjoining thereto.

## CAP. ccxlviii.

An Act to empower the London and Birmingham Railway Company to extend their Line at Leamington, and to enlarge their Stations at Coventry and Rugby; and for other Purposes.

## CAP. ccxlix.

An Act to enable the Caledonian Railway Company to deviate the Line of the said Railway in the Vicinity of Carlisle.

## CAP. ccl.

An Act to authorise the North Wales Mineral Railway Company to make certain Branches, and also to make a Deviation in their present Line of Railway.

## CAP. ccli.

An Act for the Consolidation of the Shrewsbury, Oswestry, and Chester Junction, and the North Wales Mineral Railway Companies.

## CAP. cclii.

An Act for authorising the Sale of the Guildford Junction Railway, and for enabling the Purchasers to maintain the same, and to make and maintain a Railway therefrom to Godalming, and from the London and South-western Railway at Fareham to Portsmouth.

## CAP. ccliii.

An Act for making a Railway from the Trent Valley Railway, near Nuneaton, to the Midland Railway, in the Parish of Wigston Magna, in the County of Leicester, to be called "The Coventry, Nuneaton, Birmingham, and Leicester Railway."

## CAP. ccliv.

An Act to empower the Midland Railway Company to extend their Line at Birmingham; and for other Purposes.

## CAP. cclv.

An Act to authorise the Purchase of the Oakham Canal by the Midland Railway Company.

## CAP. cclvi.

An Act for making a Railway to connect the Saundersfoot Railway with the South Wales Railway, with the Harbour of Saundersfoot, and with the Town of Tenby, to be called "The Tenby, Saundersfoot, and South Wales Railway;" and for other Purposes.

## CAP. cclvii.

An Act to enable the Lancaster and Carlisle Railway Company to extend and enlarge their Station, and extend their Railway at Carlisle; and for other Purposes.

## CAP. cclviii.

An Act to enable the Eastern Counties Railway Company to enlarge their Stations in London and Stratford; and for other Purposes.

## CAP. cclix.

An Act for enabling the Huddersfield and Manchester Railway and Canal Company to divert their Main Line of Railway in Huddersfield, and to make a Branch therefrom near Cooper Bridge, in the Township of Huddersfield.

## CAP. ccx.

An Act for making a Railway from the Great North of England Railway at Thirsk, in the North Riding of Yorkshire, to the Lancaster and Carlisle Railway at Clifton, in Westmorland, and a Railway from Bishop Auckland, in the County of Durham, to the Lancaster and Carlisle Railway at Tebay in Westmorland, to be called "The Northern Counties Union Railway."

## CAP. ccxi.

An Act for enabling the Grand Junction Railway Company to make certain Branch Lines of Railway, to be called "The Huyton and Aston Branch," "The Huyton, Prescott, and St. Helen's Branch," "The Warrington and Kenyon Branch," "The Warrington and Parkside Branch," and "The Edgehill and Huyton Branch;" and for amending the former Acts relating to the said Company.

## CAP. cclxii.

An Act for altering, amending, and enlarging the Powers of the Leeds, Dewsbury, and Manchester Railway Act, 1845, and for authorising certain Deviations from the Line and Levels of the said Railway, and for making and maintaining certain Branches and Extensions therefrom.

## CAP. cclxiii.

An Act for making a Railway from Glasgow to Airdrie, with Branches to the Clydesdale Junction Railway and to Mile End, to be called "The Glasgow, Airdrie, and Monklands Junction Railway."

## CAP. cclxiv.

An Act for enabling the Newcastle and Darlington Junction Railway Company to make certain Branch Railways in the County of Durham; and for other Purposes.

## CAP. cclxv.

An Act for making a Railway, with Branches therefrom, in the County of Lancaster and West Riding of the County of York, to be called "The Blackburn, Clitheroe, and North-western Junction Railway."

## CAP. cclxvi.

An Act for making certain Branches from the Line of the Blackburn and Preston Railway, in the County of Lancaster; and for amending the Acts relating thereto.

## CAP. cclxvii.

An Act for vesting in the Sheffield, Ashton-under-Lyne, and Manchester Railway Company the Peak Forest Canal and the Macclesfield Canal.

## CAP. cclxviii.

An Act to amalgamate the Sheffield, Ashton-under-Lyne, and Manchester Railway Company, the Sheffield and Lincolnshire Junction, the Sheffield and Lincolnshire Extension, and the Great Grimsby and Sheffield Railway Companies, and the Grimsby Dock Company.

## CAP. cclxix.

An Act for consolidating the Dudley Canal Navigation with the Birmingham Canal Navigations; and for other Purposes.

## CAP. cclxx.

An Act to amend the Ely and Huntingdon Railway Act.

## CAP. cclxxi.

An Act to enable the Company of Proprietors of the Manchester, Bolton, and Bury Canal Navigation and Railway to raise an additional Sum of Money; and to amend the Acts relating to that Company.

## CAP. cclxxii.

An Act for enabling the Leeds and Bradford Railway Company to alter the Levels of a Portion of the Line of their Railway in the Parish of Bingley, in the West Riding of the County of York.

## CAP. cclxxiii.

An Act for widening the Line of the London and Blackwall Railway, and for amending the Acts relating to the said Railway.

## CAP. cclxxiv.

An Act to authorise the Shrewsbury, Oswestry, and Chester Junction Railway Company to make Railways to Crickheath and Wem, and to raise additional Capital for those Purposes.

## CAP. cclxxv.

An Act to authorise the Shrewsbury, Oswestry, and Chester Junction Railway Company to make an Extension into Shrewsbury, and certain Alterations and Deviations in their Line of Railway.

## CAP. cclxxvi.

An Act to enable the East Lancashire Railway Company to alter the Line and Levels of such Railway, and to make Branches therefrom; and for other Purposes relating thereto.

## CAP. cclxxvii.

An Act to incorporate the Huddersfield and Sheffield Junction Railway Company with the Manchester and Leeds Railway Company.

## CAP. cclxxviii.

An Act to authorise certain Alterations in the Line of the Oxford, Worcester, and Wolverhampton Railway; and to amend the Act relating thereto.

## CAP. cclxxix.

An Act to enable the Furness Railway Company to extend their Line to Broughton and to Ulverstone, and to make certain Branches therefrom; and to amend the Act relating thereto.

## CAP. cclxxx.

An Act to amend "The Ipswich and Bury St. Edmund's Railway Act, 1845;" and for making a Railway from the said Ipswich and Bury St. Edmund's Railway to Norwich, with a Branch therefrom.

## CAP. cclxxxi.

An Act for making a Branch Railway from the London and Brighton Railway, in the Parish of Croydon, to join the South-western Railway, in the Parish of Wandsworth, in the County of Surrey.

## CAP. cclxxxii.

An Act to incorporate the Liverpool and Bury Railway Company with the Manchester and Leeds Railway Company.

## CAP. cclxxxiii.

An Act to consolidate and unite the London and Brighton and the London and Croydon Railway Companies, and the Undertakings belonging to them.

## CAP. cclxxxiv.

An Act for incorporating the Proprietors of the Sheffield General Cemetery, in the Township of Ecclesall Bierlow, in the Parish of Sheffield, in the West Riding of the County of York, and for enlarging and improving the said Cemetery; and for other Purposes connected therewith.

## CAP. cclxxxv.

An Act for supplying with Water the Town of Kilmarnock, Suburbs thereof, and Places adjacent.

## CAP. cclxxxvi.

An Act for the better supplying with Water the Town or Village of Heywood, and Places adjacent thereto, in the County Palatine of Lancaster.

## CAP. cclxxxvii.

An Act for better supplying with Water the Town and Parish of Chorley, in the County Palatine of Lancaster.

## CAP. cclxxxviii.

An Act for supplying with Water the Towns of Airdrie and Coatbridge, and Places adjacent, in the County of Lanark.

## CAP. cclxxxix.

An Act to extend the Municipal Boundaries of the City of Glasgow; to amend the Acts relating to the Police and Statute Labour of the said City and adjoining Districts; and for other Purposes in relation to the Municipality and Police of the said City.

## CAP. ccxc.

An Act authorising the Sale of the Cromford Canal and other Property of the Cromford Canal Company.

## CAP. ccxci.

An Act to alter and extend the Provisions of the Acts for improving the Navigation of the River Severn.

## CAP. ccxcii.

An Act for improving, preserving, maintaining, and better regulating the Port and Harbour of Waterford; and for other Purposes relating thereto.

## CAP. ccxciii.

An Act for better lighting, paving, cleansing, draining, regulating, and improving the Borough of Bury, in the County Palatine of Lancaster, and for otherwise promoting the Health and Convenience of the Inhabitants.

## CAP. ccciv.

An Act for better lighting and improving the Borough of Belfast.

## CAP. cccv.

An Act for paving, lighting, cleansing, and otherwise improving the Town of Wash-upon-Dearne, in the County of York, and for removing and preventing Nuisances and Annoyances therein.

## CAP. cccvi.

An Act for repealing an Act of the Parliament of Scotland, passed in the sixth Session of the first Parliament of King William, (1696), intitled "An Act in favours of the Heritors adjacent to the Pow of Inchaffray;" and for more effectually draining and improving Lands adjacent to the River or Stream called The Pow of Inchaffray, in the County of Perth.

## CAP. cccvii.

An Act for better draining and improving certain Low, Marsh, and Fen Lands lying between Boston Haven and Bourn, in the County of Lincoln, and for further improving the Navigation through such Lands.

## CAP. cccviii.

An Act for amending two several Acts passed respectively in the second and seventh Years of the Reign of her present Majesty, for draining and embanking certain Lands in Lough Swilly and Lough Foyle, in the Counties of Donegal and Londonderry.

## CAP. cccix.

An Act for regulating the Municipal Government and Police of the Royal Burgh of Rothsay.

## CAP. ccc.

An Act for making a Railway, to be called "The South Staffordshire Junction Railway," with Branches.

## CAP. ccc.

An Act for enabling the Leeds and Bradford Railway Company to make a Junction Line at Bradford, in the West Riding of the County of York.

## CAP. cccii.

An Act to unite and consolidate the Blackburn and Preston Railway Company with the East Lancashire Railway Company.

## CAP. ccciii.

An Act for making a Railway from Newport to Abergavenny and Hereford, with Branches therefrom.

## CAP. ccciv.

An Act for making a Railway from Sheffield to Gainsborough, with Branches.

## CAP. cccv.

An Act to enable the South-eastern Railway Company to make a Railway from the London and Greenwich Railway to Woolwich and Gravesend.

## CAP. cccvi.

An Act to enable the Manchester and Leeds Railway Company to make several Branch Railways, and to authorise the Amalgamation of the Preston and Wyre Railway, Harbour, and Dock Company with the Manchester and Leeds Railway Company.

## CAP. cccvii.

An Act for making a Railway from Shrewsbury to Wolverhampton, with a Branch, to be called "The Shrewsbury and Birmingham Railway."

## CAP. cccviii.

An Act for making a Railway from Shrewsbury to Wolverhampton, to be called "The Shrewsbury, Wolverhampton, and South Staffordshire Junction Railway."

## CAP. cccix.

An Act to empower the London and Birmingham Railway Company to make a Branch from the said Railway to the Blisworth and Peterborough Branch thereof.

## CAP. cccx.

An Act to enable the Blackburn, Darwen, and Bolton Railway Company to alter the Line of Part of their Railway.

## CAP. cccxi.

An Act for enabling the Midland Railway Company to alter a Portion of the Leicester and Swannington Railway, and to make certain Branches.

## CAP. cccxii.

An Act for amending the Act relating to the Liverpool and Bury Railway, and for making Branches therefrom.

## CAP. cccxiii.

An Act to authorise certain Alterations and Extensions of the Line of the Wilts, Somerset, and Weymouth Railway.

## CAP. cccxiv.

An Act to enable the Caledonian Railway Company to form certain Branch and Terminal Railways in the Vicinity of Glasgow.

## CAP. cccxv.

An Act for making Railways from Birmingham to Wolverhampton and Dudley, to be called "The Birmingham, Wolverhampton, and Dudley Railway."

## CAP. cccxvi.

An Act for making a Railway from Walsall, in the County of Stafford, to the Midland Railways at Wichnor Forge, in Tatenhill, to be called "The Trent Valley, Midlands, and Grand Junction Railway."

## CAP. cccxvii.

An Act for making a Railway from the Line of the Perth and Inverness Railway to Aberfeldy, to be called "The Strathay and Breadalbane Railway."

## CAP. cccxviii.

An Act to enable the Londonderry and Enniskillen Railway Company to alter and extend the Line of such Railway, to make a Branch therefrom to the Town of Omagh, and to amend the Act relating thereto.

## CAP. cccxix.

An Act for making a Railway from the proposed Sheffield and Lincolnshire Junction Railway to the City of Lincoln.

## CAP. cccxx.

An Act to enable the Whitehaven and Furness Junction Railway Company to make a Railway in Deviation from their Line of Railway, and to construct an Extension thereof to a Point of Junction with the Whitehaven Junction Railway.

## CAP. cccxxi.

An Act for making a Railway from Armagh to Portrush, with Branches to Randalstown and Ballymoney.

## CAP. cccxxii.

An Act for making a Railway from the Chester and Crewe Branch of the Grand Junction Railway at Calveley to Wolverhampton; and for other Purposes connected therewith.

## CAP. cccxxiii.

An Act for making a Railway from Shrewsbury to Stafford, with a Branch to Stone; and for other Purposes.

## CAP. cccxxiv.

An Act for making a Railway from Newtown, in the County of Montgomery, to Crewe, in the County of Chester, with Branches; and for other Purposes connected therewith.

## CAP. cccxxv.

An Act for making a Railway from Shrewsbury to Hereford, to be called "The Shrewsbury and Hereford Railway."

## CAP. cccxxvi.

An Act to consolidate the Bristol and Gloucester and Birmingham and Gloucester Railway Companies with the Midland Railway Company.

## CAP. cccxxvii.

An Act to alter and amend the North Wales Railway Act, 1845.

## CAP. cccxviii.

An Act for making a Railway from Birmingham to Wolverhampton, and to the Grand Junction Railway, in the Parish of Bushbury, with a Branch to Dudley.

## CAP. cccxix.

An Act to effectuate the Sale of the Glasgow, Carnkirk, and Coatbridge Railway Company of the said Railway to the Caledonian Railway Company; and other Purposes therewith connected.

## CAP. cccxx.

An Act for authorising the Sale of the Pontop and South Shields Railway to the Newcastle and Darlington Junction Railway Company.

## CAP. cccxxi.

An Act to empower the London and Birmingham Railway Company to make a Branch Railway from the London and Birmingham Railway near Coventry to the Trent Valley Railway in the Parish of Nuneaton.

## CAP. cccxxii.

An Act for making a Railway from the Edinburgh and Glasgow Railway to Bathgate, with Branches, to be called "The Edinburgh and Bathgate Railway."

## CAP. cccxxiii.

An Act to enable the Surrey Iron Railway Company to sell the Lands, Houses, and other Property of the Company, together with the navigable Communication from the Dock of the Company to the River Thames at Wandsworth, in the County of Surrey, and to dissolve the said Company.

## CAP. cccxxiv.

An Act to enable the Glasgow, Garnkirk, and Coatbridge Railway Company to extend the Terminus of their Railway in Glasgow.

## CAP. cccxxv.

An Act for making a Railway and other Works from Plymouth to Falmouth and other Places in the County of Cornwall, to be called "The Cornwall Railway."

## CAP. cccxxvi.

An Act for making a Railway from the Parish of Kenwyn, in the County of Cornwall, to Penzance, in the same County, with Branches, to be called "The West Cornwall Railway."

## CAP. cccxxvii.

An Act for making a Railway from Birmingham to join the Lines of the proposed Oxford and Rugby and Oxford, Worcester, and Wolverhampton Railways, and to be called "The Birmingham and Oxford Junction Railway."

## CAP. cccxxviii.

An Act for making a Railway into Birmingham in extension of the proposed Birmingham and Oxford Junction Railway.

## CAP. cccxxix.

An Act to authorise the Purchase of the Gravesend and Rochester Railway and Canal by the South-eastern Railway Company.

## CAP. cccxl.

An Act for making a Railway from the Birmingham and Gloucester Railway at King's Norton, in the County of Worcester, to Hales Owen, in the same County.

## CAP. cccxli.

An Act for making a Railway from the South Wales Railway at or near to the Town of Neath to Merthyr Tydfil, with Branches, to be called "The Vale of Neath Railway."

## CAP. cccxlii.

An Act for making a Railway from the Borough of Cocker-mouth to the Town of Keswick, all in the County of Cumberland, to be called "The Cocker-mouth and Workington Extension Railway."

## CAP. cccxliii.

An Act for making a Railway from Lough Allen to Lough Gill, both in the County of Leitrim, to be called "The Sligo and Shannon Railway."

## CAP. cccxlii.

An Act for constructing a Pier at Portbury, in the County of Somerset, and for making a Railway from the same to the City of Bristol, with a Branch Railway connected therewith.

## CAP. cccxlii.

An Act to amend the Cambridge Improvement Acts, and to exempt the Eastern Counties Railway Company from certain Tolls thereby imposed.

## CAP. cccxlii.

An Act to repeal, alter, and amend the several Acts relating to Billingsgate Market, in the City of London.

## CAP. cccxlii.

An Act for further and better supplying with Water the Barony or Regality of Gorbals and Places adjacent.

## CAP. cccxlii.

An Act for making certain new Streets or Thoroughfares, and widening and improving certain other Streets or Thoroughfares, within the Town and Borough of Sheffield, in the County of York.

## CAP. cccxlii.

An Act for paving, lighting, watching, cleansing, regulating, and otherwise improving the Town of Tunbridge Wells, in the Counties of Kent and Sussex.

## CAP. cccli.

An Act to repeal an Act of the fifty-second Year of the Reign of King George the Third, for lighting and watching the Road leading from Newton Butts to the Nag's Head on the Wandsworth Road, and other Places communicating therewith, in Lambeth, Clapham, and Battersea, in Surrey; and for making other Provisions for lighting and improving the said Road, and other Places adjacent or near thereto.

## CAP. cccli.

An Act to amend an Act passed in the fifth Year of the Reign of his Majesty King the George the Fourth, for granting certain Powers and Authorities to the Australian Agricultural Company.

## CAP. ccclii.

An Act for making a Railway from the intended Great Northern Railway, in the Parish of Ufford, in the County of Northampton, to unite with the Loop Line of the same Railway in the Parish of Crowland, in Lincolnshire.

## CAP. ccclii.

An Act for making a Railway from Llangynwyd to Margam, by a Company to be called "The Llynvi Valley Railway Company."

## CAP. ccclii.

An Act for making certain Lines of Railway in the West Riding of the County of York, to be called "The Sheffield, Rotherham, Barnsley, Wakefield, Huddersfield, and Goole Railway."

## CAP. ccclii.

An Act for amending the Acts relating to the Taw Vale Railway and Dock, and for making an Extension therefrom to the Exeter and Crediton Railway, in the County of Devon.

## CAP. ccclii.

An Act for making Railways from Wisbech to Saint Ives and to Fenny Drayton, to be called "The Wisbech, Saint Ives, and Cambridge Junction Railway."

## CAP. ccclii.

An Act for making a Railway from the Northern and Eastern Counties Railway at Edmonton to the Town of Enfield, in the County of Middlesex.

## CAP. ccclii.

An Act for making a Railway from the Midland Railway at Staveley to the Town of Workop, and for consolidating into one Undertaking the said proposed Railway and the Canal Navigation from Chesterfield to the River Trent.

## CAP. ccclix.

An Act for making a Railway from the London and Birmingham Railway to or near to Navigation Street, within the Borough of Birmingham.

## CAP. cccx.

An Act for making a Railway from Kilkenny to join the Great Southern and Western Railway at or near Caddagh, to be called "The Kilkenny and Great Southern and Western Railway."

## CAP. cccxi.

An Act for the Maintenance of the Cemeteries at Golden Bridge and Prospect, in the County of Dublin, and to create a perpetual Succession in the governing Body or Committee for managing the same.

## CAP. cccxii.

An Act for making a Canal from the Harbour of East Tarbert to West Loch Tarbert, and other Works in connexion therewith.

## CAP. cccxiii.

An Act for making a Ship Canal from Sligo Harbour to Lough Gill, both in the County of Sligo, to be called "The Sligo Ship Canal."

## CAP. cccxiv.

An Act for enlarging, improving, and maintaining the Harbour, Quays, and Wharfs of Campbelltown; for supplying with Water, paving, cleansing, lighting, and watching the said Burgh and Suburbs thereof; and for the better and more effectual assessing, levying, and collecting the Ladle and other Dues and Customs of the said Burgh.

## CAP. cccxv.

An Act for further regulating the Repair and Maintenance of the Roads, Streets, and Bridges within the Middle District of the County of Edinburgh, and the Assessments payable in respect thereof; and for other Purposes relating thereto.

## CAP. cccxvi.

An Act to enable the Special Commissioners of the Town of Yeovil to sell certain Estates in the Parish of Yeovil, in the County of Somerset.

## CAP. cccxvii.

An Act to enable the Eastern Counties Railway Company to make two Branch Railways from the Line of the Eastern Counties and Thames Junction Railway, one thereof terminating at the Pepper Warehouses belonging to the East India Dock Company, and the other terminating by a Junction with the Eastern Counties Railway.

## CAP. cccxviii.

An Act for making a Railway from the London and Birmingham Railway in the Parish of Rugby, in the County of Warwick, to Leamington, in the County of Warwick.

## CAP. cccxix.

An Act to authorise an Improvement of the Line of the West London Railway, and the Extension thereof to the River Thames.

## CAP. cccxx.

An Act to enable the London and South-western Railway Company to make a Railway by Whitchurch and Andover to Salisbury.

## CAP. cccxxi.

An Act for making certain Branch Railways to be connected with the Newport and Pontypool Railway, and for incorporating a new Company for carrying on the Monmouthshire Canal Navigation.

## CAP. cccxxii.

An Act for making a Railway from the Glasgow, Paisley, Kilmarnock, and Ayr Railway, near Cumnock, to the Caledonian Railway, near the crossing of the River Sark, to be called "The Glasgow, Dumfries, and Carlisle Railway," with Branches.

## CAP. cccxxiii.

An Act for authorising the Sale of the Andover Canal and other Property of the Company of Proprietors of the Andover Canal Navigation.

## CAP. cccxxiv.

An Act for embanking and reclaiming from the Sea certain Lands now under Water, or subject to be overflowed by the Tide in the Estuary or Back Strand of Tramore, in the County of Waterford.

## CAP. cccxxv.

An Act to incorporate the British Guarantee Association.

## CAP. cccxxvi.

An Act for uniting the Rectory of North Lynn with the Perpetual Curacy of Saint Margaret-with-Saint-Nicholas, in the Borough of King's Lynn, all in the County of Norfolk.

## CAP. cccxxvii.

An Act for making a Railway from Airdrie to Bathgate, with a Branch to Whitburn and Blackburn, to be called "The Airdrie and Bathgate Junction Railway."

## CAP. cccxxviii.

An Act to incorporate the Company of Proprietors of the Manchester, Bolton, and Bury Canal Navigation and Railway with the Manchester and Leeds Railway Company.

## CAP. cccxxix.

An Act to amalgamate the Polloc and Govan and Clydebank Junction Railways with the Caledonian Railway.

## CAP. cccxxx.

An Act for enabling the Huddersfield and Manchester Railway and Canal Company to make a Branch Railway from their Main Line of Railway to Oldham.

## CAP. cccxxxi.

An Act for making a Railway from the Liverpool and Bury Railway to the North Union and Blackburn and Preston Railways, with Branches therefrom, to be called "The Liverpool, Ormakirk, and Preston Railway."

## CAP. cccxxxii.

An Act to grant certain Powers to the New Zealand Company.

## CAP. cccxxxiii.

An Act for constructing Docks at Millbay, (Plymouth), to be called "The Plymouth Great Western Docks."

## CAP. cccxxxiv.

An Act to enable the Company of Proprietors of the Forth and Clyde Navigation to extend and enlarge the Basin at Bowling Bay, and to make and maintain certain other Works in connexion therewith; and to alter and amend the Acts relating to the said Navigation.

## CAP. cccxxxv.

An Act for sewerage, draining, and lighting of the Hamlet of Brighouse, in the Township of Hipperholme-cum-Brighouse, in the Parish of Halifax, in the West Riding of the County of York.

## CAP. cccxxxvi.

An Act for reclaiming from the Sea, embanking, and improving the Salthouse Sands, in the Manor of Plain Furness, in the County Palatine of Lancaster.

## CAP. cccxxxvii.

An Act for improving and altering a Portion of the Harbour of Wexford, in the County of Wexford, in Ireland, and the Entrance thereof; for improving the Navigation of the River Slaney, and also the Bridge over the same River at or near to the Town of Wexford; and for embanking and reclaiming divers Waste Lands, Mud Banks or Sloes, in and adjacent to the said Harbour and River; and for other Purposes.

## CAP. cccxxxviii.

An Act for inclosing and reclaiming from the Sea certain Tracts of Land forming Part of the Great Estuary, called "The Wash," between the Counties of Norfolk and Lincoln.

## CAP. cccxxxix.

An Act for enabling the Warden and College of the Souls of All Faithful People deceased of Oxford to grant Building and Improving Leases of their Estates in the County of Middlesex.

## CAP. cccxc.

An Act for making certain Lines of Railway in the West Riding of the County of York, to be called "The West Riding Union Railways."

## CAP. cccxcii.

An Act to enable the London and South-western Railway Company to extend their Railway to the Thames, near London Bridge, in the County of Surrey.

## CAP. cccxciii.

An Act for making a Railway from the Glasgow, Paisley, Kilmarnock, and Ayr Railway, near the Manse, of Newton, to the Town of Girvan, with a Branch to the Town of Maybole, to be called "The Glasgow and Belfast Union Railway."

## CAP. cccxciii.

An Act to empower the Taff Vale Railway Company to construct certain Branch Railways and Extensions, and to make Arrangements for the Use of certain Wharfs adjoining the Bute Ship Canal.

## CAP. cccxciv.

An Act to authorise the Newcastle-upon-Tyne and Carlisle Railway Company to extend their Railway in Newcastle-upon-Tyne, to make a Branch Railway; and for other Purposes connected with their Undertaking.

## CAP. cccxcv.

An Act to enable the Caledonian Railway Company to deviate certain Portions of the Clydesdale Junction Railway.

## CAP. cccxcvi.

An Act for making a Railway from the East and West India Docks to join the London and Birmingham Railway at the Camden Town Station, to be called "The East and West India Docks and Birmingham Junction Railway."

## CAP. cccxcvii.

An Act for making a Railway from Cork to Waterford, with Branches therefrom.

## CAP. cccxcviii.

An Act to incorporate a Company by the Name of "The Metropolitan Sewage Manure Company."

## CAP. cccxcix.

An Act for the Regulation of the Legal Quays within the Port of London.

## CAP. cccc.

An Act to extend the Powers of the Commissioners of Wide Streets, Dublin, to widen and improve certain Streets and Passages in the City and County of Dublin.

## CAP. cccci.

An Act to authorise the Construction of a Railway from Maleny-Manach to Rhydyfedyd, in the County of Glamorgan, to be called "Cameron's Coalbrook Steam Coal and Swansea and Loughor Railway."

## CAP. ccccii.

An Act for authorising certain Alterations in and Extensions of the Line of the South Devon Railway, and the Formation of Branches therefrom to Torquay and other Places.

The Honourable Sir Thomas Wilde, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas, has appointed William Jones, of Newtown, in the county of Montgomery, Gent., to be one of the Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women, in and for the county of Montgomery, also in and for the counties of Radnor and Salop.

## London Gazette.

TUESDAY, OCTOBER 6.

## BANKRUPTS.

EDWARD BENEY, Southborough, Tonbridge, Kent, dealer in corn, Oct. 15 and Nov. 19 at 1, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Campbell, Gray's-inn-square.—Fiat dated Sept. 19.

WILLIAM MULLETT, Hampton's-mills, West Peckham, Kent, paper manufacturer, Oct. 12 at 2, and Nov. 16 at 11, Court of Bankruptcy, London: Off. Ass. Turquand; Sols. Cox & Co., Size-lane, London.—Fiat dated Sept. 30.

WILLIAM GEORGE GROSSMITH, Romsey Extra, Southampton, brewer, dealer and chapman, Oct. 12 at 2, and Nov. 16 at half-past 11, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Randall, Southampton; Tilson & Co., Coleman-street.—Fiat dated Sept. 30.

WILLIAM MAW, Birkenhead, Cheshire, builder and contractor, dealer and chapman, Oct. 13 and Nov. 20 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sols. Reade, Birkenhead, Cheshire; Woodroffe, Lincoln's-inn, London.—Fiat dated Sept. 16.

SAMUEL PAGE, Nottingham, currier and leather dealer, dealer and chapman, Oct. 16 and Nov. 13 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sol. Bowley, Nottingham.—Fiat dated Sept. 30.

HENRY PARRATT, Hotwells, Clifton, Bristol, coach builder, dealer and chapman, Oct. 19 at 12, and Nov. 17 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sol. Brown, Bristol.—Fiat dated Sept. 30.

JOHN BURTON, Liverpool, auctioneer, appraiser, dealer and chapman, Oct. 20 and Nov. 20 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Sols. Bradley, Liverpool; Walker, Furnival's-inn, London.—Fiat dated Sept. 25.

WILLIAM BEAMER, West Derby, Lancashire, joiner and builder, dealer and chapman, Oct. 20 and Nov. 13 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sols. Thompson, Liverpool; Norris & Co., Bedford-row, London.—Fiat dated Sept. 25.

## MEETINGS.

*Philip Flood Page and Philip Norris Page*, King's-road, Gray's-inn, Middlesex, builders, Oct. 16 at 1, Court of Bankruptcy, London, last ex.—*Edward Boulton*, Isleworth, Middlesex, grocer, Oct. 16 at half-past 2, Court of Bankruptcy, London, last ex.—*William Everett*, Drury-lane, Middlesex, out of business, Oct. 16 at 12, Court of Bankruptcy, London, last ex.—*Thomas Crane*, Kegworth, Leicestershire, common brewer, Oct. 27 at 10, District Court of Bankruptcy, Birmingham, last ex.—*Samuel Hawley*, Ashton-under-Lyne, Lancashire, grocer, Oct. 29 at 12, District Court of Bankruptcy, Manchester, last ex.—*Stephen Hey*, Colne, Lancashire, worsted manufacturer, Oct. 22 at 11, District Court of Bankruptcy, Manchester, last ex.—*William Chambers*, Southwick, Durham, shipwright, Oct. 30 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—*Chas. Pullman*, Strand, Westminster, Middlesex, hosier, Nov. 2 at 12, Court of Bankruptcy, London, aud. ac.—*Samuel Ward*, Lillypot-lane, London, lasting manufacturer, Oct. 28 at 11, Court of Bankruptcy, London, aud. ac.—*Robt. Smith*, Sussex-street, Tottenham-court-road, Middlesex, cabinet maker, Oct. 28 at 11, Court of Bankruptcy, London, aud. ac.—*Robert H. Beart*, Great Yarmouth, Norfolk, wine merchant, Oct. 30 at 11, Court of Bankruptcy, London, aud. ac.—*John Boyd and James Boyd*, Wellington-chambers, Southwark, Surrey, hop merchants, Oct. 30 at 11, Court of Bankruptcy, London, aud. ac.—*Robert Sheel*, Wilsted-st., Somers-town, Middlesex, grocer, Oct. 30 at 11, Court of Bankruptcy, London, aud. ac.—*John Partridge*, Cheltenham, Gloucestershire, coal merchant, Nov. 3 at 11, District Court of Bankruptcy, Bristol, aud. ac.; Nov. 9 at 11, div.—*Joshua Garsed* the elder and *Joshua Garsed* the younger, Leeds, Yorkshire, flax manufacturers, Oct. 30 at 11, District Court of Bankruptcy, Leeds, aud. ac.; Oct. 31 at 11, div. sep. est. *John Garsed* the younger.—*Matt. Hobson*, Great Grimaby, Lincolnshire, corn merchant, Oct. 28 at 10, Town-hall, Kingston-upon-Hull, aud. ac.—*Thos. Read*, Manchester, cigar dealer, Oct. 29 at 11, District Court of Bankruptcy, Manchester, aud. ac.; Nov. 6 at 12, div.—*Benj. L. M. Rothschild*, Great Queen-street,



Lincoln's-inn-fields, Middlesex, diamond merchant, Oct. 27 at half-past 12, Court of Bankruptcy, London, div.—*Wm. Mitchell*, Finsbury-place South, London; Upper Fitzroy-st., Fitzroy-square, Middlesex; and Kent-st., Southwark, Surrey, furniture dealer, Oct. 27 at 1, Court of Bankruptcy, London, div.—*Alfred Bennett*, Bridge-house-place, Newington-causeway, Surrey, window-blind maker, Oct. 27 at 12, Court of Bankruptcy, London, div.—*Matt. Allen*, Henrietta-street, Covent-garden, Middlesex, dealer in patent wood carving, Oct. 27 at 11, Court of Bankruptcy, London, div.—*Henry Clarke*, Wolverhampton, Staffordshire, lock manufacturer, Oct. 27 at half-past 1, Court of Bankruptcy, London, div.—*Chas. Jos. Edmonds*, Bluntisham, near St. Ives, Huntingdonshire, apothecary, Oct. 30 at 12, Court of Bankruptcy, London, div.—*Wm. Chandler*, Minorities, London, chemist, Oct. 30 at half-past 11, Court of Bankruptcy, London, div.—*Henry Gibbons*, Wolverhampton, Staffordshire, chemist, Nov. 5 at 12, District Court of Bankruptcy, Birmingham, and. ac. and fin. div.—*Chas. Lewis*, Bath, Somersetshire, innkeeper, Oct. 29 at 12, District Court of Bankruptcy, Bristol, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on the Day of Meeting.*

*Jos. Turner*, Ludgate-hill, London, jeweller, Oct. 28 at half-past 11, Court of Bankruptcy, London.—*Joseph Barter Bloomfield* the younger, Poole, chemist, Oct. 28 at 12, Court of Bankruptcy, London.—*Alfred Wildy*, Oxford-st., Middlesex, hatter, Nov. 2 at 12, Court of Bankruptcy, London.—*Martin Cubitt*, High Holborn, Middlesex, builder, Oct. 29 at 1, Court of Bankruptcy, London.—*Rich. Gill*, Richmond, Yorkshire, grocer, Oct. 30 at 11, District Court of Bankruptcy, Leeds.—*Thos. F. Shillam*, Dudbridge, Gloucestershire, wool broker, Nov. 3 at 11, District Court of Bankruptcy, Bristol.—*Robert Baker*, Llandevenny, Monmouthshire, farmer, Nov. 17 at 11, District Court of Bankruptcy, Bristol.—*Geo. Maggs*, Bristol, linen draper, Oct. 30 at 11, District Court of Bankruptcy, Bristol.—*John Boulton*, Ashton-under-Lyne, Lancashire, carrier, Oct. 30 at 12, District Court of Bankruptcy, Manchester.—*Edw. Jones*, Liverpool, ironmonger, Oct. 27 at 12, District Court of Bankruptcy, Liverpool.—*John Carlisle*, West Derby, Lancashire, builder, Oct. 27 at 11, District Court of Bankruptcy, Liverpool.—*Samuel Griffiths*, Wolverhampton, Staffordshire, wholesale druggist, Nov. 14 at 12, District Court of Bankruptcy, Birmingham.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before Oct. 27.*

*James Nunn*, Baker-st., Portman-square, Middlesex, haberdasher.—*Wm. Watts*, Doncaster, Yorkshire, millwright.—*Matthew Hobson*, Great Grimsby, Lincolnshire, corn merchant.—*Thos. Edwards*, Llanisaintffraid, Montgomeryshire, surgeon.—*James Slavelly*, Manchester, warehouseman.

#### FIAT ANNULLED.

*Chas. Beaus*, Winchester, Southampton, miller.

#### SCOTCH SEQUESTRATIONS.

*David Gray*, deceased, Edinburgh, solicitor.—*Wm. Finlay*, Walkerton, near Leslie, Fifeshire, bleacher.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Wm. Woodward*, St. Alban's, Hertfordshire, out of business, Oct. 17 at 12, Court of Bankruptcy, London.—*John Fuller*, North-st., Lambeth, comedian, Oct. 17 at half-past 11, Court of Bankruptcy, London.—*Philip Amery*, Chalton-st., Somers'-town, Middlesex, carpenter, Oct. 17 at 12, Court of Bankruptcy, London.—*Mark Vernon*, Bexley, Kent, tailor, Oct. 17 at half-past 12, Court of Bankruptcy, London.—*Diana Cakebread*, widow, Goswell-road, Middlesex, out of business, Oct. 17 at 12, Court of Bankruptcy, London.—*Thos. Steers*, Teddington, Middlesex, pine grower, Oct. 17 at half-past 12, Court of Bankruptcy, London.—*W. Thos. Dairy*, Haverstock-hill, Hampstead, Middlesex, grocer, Oct. 17 at half-past 12, Court of Bankruptcy, London.—*J. White*, Brunswick-sq., Kingsland-road, Middlesex, builder, Oct. 14 at 1, Court of Bankruptcy, London.—*Chas. Wallis*, Rotherhithe-wall, Rotherhithe, Surrey, baker, Oct. 15 at 12,

Court of Bankruptcy, London.—*John Adams*, Ryder's-court, Leicester-square, Middlesex, surveyor, Oct. 15 at 11, Court of Bankruptcy, London.—*Fred. Jones*, Oxford, dyer, Oct. 15 at 11, Court of Bankruptcy, London.—*Amelia Staines*, widow, Vernon-place, Bagnigge-wells-road, Middlesex, Oct. 17 at 11, Court of Bankruptcy, London.—*William Minks*, Edmund-st., Battle-bridge, Middlesex, paper stainer, Oct. 14 at 12, Court of Bankruptcy, London.—*Ed. James Holton*, Warminster, Wiltshire, out of business, Oct. 17 at half-past 11, Court of Bankruptcy, London.—*The Reverend Thomas H. Hardinge*, clerk, Park-lane, Hyde-park, Middlesex, clerk, Oct. 17 at half-past 1, Court of Bankruptcy, London.—*Watson Coulson*, King-st., Park-st., Grosvenor-square, Middlesex, clerk to a wine merchant, Oct. 17 at 1, Court of Bankruptcy, London.—*John Horridge Woodgate*, Ratcliffe-highway, Middlesex, pastry cook, Oct. 20 at 11, Court of Bankruptcy, London.—*Aquila Newman*, Lee, Kent, statuary and mason, Oct. 20 at 11, Court of Bankruptcy, London.—*Jos. Clark*, Bury, Lancashire, out of business, Oct. 22 at 12, District Court of Bankruptcy, Manchester.—*John Fairhurst*, Winstanley, near Wigan, Lancashire, nail manufacturer, Oct. 16 at 12, District Court of Bankruptcy, Manchester.—*The Rev. Jos. Littlewood*, Thorneyburn Rectory, Thorneyburn, Northumberland, clerk, Oct. 30 at half-past 10, District Court of Bankruptcy, Newcastle-upon-Tyne.

*Saturday, Oct. 3.*

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*George Logan*, Firtree-cottage, White Horse-rd., Croydon, Surrey, gentleman, No. 58,083 T.; *William Stanley Masterman*, assignee.—*Francis Lea*, Vernon-square, Bagnigge-wells-road, Middlesex, pocket-book manufacturer, No. 58,387 T.; *George Bugg*, assignee.—*J. Hetherington Smith*, Westbourne-park-rd., Paddington, Middlesex, attorney at law, No. 58,383 T.; *William Anthony Greatorex*, assignee.—*Th. Trout Bale*, Goswell-street, St. Luke's, Middlesex, manager of an eating-house, No. 56,293 T.; *William Charles Toms*, assignee.—*John Jackson*, Canning-place, Kensington, Middlesex, clerk in the Admiralty, No. 58,358 T.; *John Kingston*, assignee.—*Charles Ludbrooke Grimwood*, Corsitor-street, Chancery-lane, Middlesex, locksmith, No. 58,408 T.; *Lewis Richard Hart*, assignee.

*Saturday, Oct. 3.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*J. Eden Quintin*, Burr-street, St. Katherine's, Middlesex, clerk in the Harwich Railway Company: in the Debtors Prison for London and Middlesex.—*J. Alexander Smith*, Whitehall-place, Gravesend, Kent, accountant: in the Debtors Prison for London and Middlesex.—*Robert Johnson*, Old-street, St. Luke's, Middlesex, commission agent: in the Debtors Prison for London and Middlesex.—*Thos. Plimmsoll*, Oxford-street, Middlesex, wholesale furrier: in the Queen's Prison.—*Henry Buttle*, Earsham, Norfolk, beer seller: in the Gaol of Norwich.—*Wm. Elmore*, Bluntisham, Huntingdonshire, labourer: in the Gaol of Huntingdon.—*Marg. Davies*, Keeston, Camrose, Pembrokeshire, labourer: in the Gaol of Haverfordwest.—*Thos. King*, St. Helen, Worcestershire, tailor: in the Gaol of Worcester.—*Peter Kirby*, Reading, Berkshire, baker: in the Gaol of Reading.

*The following Prisoners are ordered to be brought before a Commissioner on Circuit:—*

*Court-house, SHEFFIELD, Yorkshire, Oct. 21 at 10.*

*Joseph Thompson*, Liverpool, out of business.

*Court-house, IPSWICH, Suffolk, Oct. 21 at 10.*

*Jos. Sillett*, Bramfield, near Halesworth, Suffolk, assistant to an innkeeper.—*James Cuddon* the younger, Mettingham, near Bungay, Suffolk, out of business.

*Court-house, WAKEFIELD, Yorkshire, Oct. 22 at 10.*

*John Woodhead*, Ivegate, Bradford, Yorkshire, out of business.—*Wm. Bentley*, Scholes, near Bradford, wheelwright.—*Elijah Clifford*, Cowcliffe, near Huddersfield, coal miner.—*T. Clifford*, Huddersfield, publican.—*Thos. Fisher*, Otley, and Yeadon, near Leeds, chemist.—*Ch. John Armistead*, Leeds, sharebroker.—*E. Smith Keir*, Clifton, near Brighouse, out of business.—*John Walton*, Farley, near Leeds, weaver.—

*Elizabeth Bradbury, Wenkey, near Dobcross, Saddleworth, shopkeeper.*—*Rich. Smith, Thornton, near Bradford, assistant overseer.*—*John Wilson Anderson, Halifax, artist.*—*John Peggson, Meltham, near Huddersfield, shopkeeper.*

## FRIDAY, OCT. 9.

## BANKRUPTS.

**JOHN RUMSEY**, Dean-street, Shadwell, Middlesex, glue piece maker, manure dealer, dealer and chapman, Oct. 20 at half-past 12, and Nov. 26 at 2, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Butler, jun., 134, Tooley-street.—Fiat dated Oct. 8.

**WILLIAM MARSDEN**, Manchester, commission agent and factor, dealer and chapman, Oct. 23 and Nov. 17 at 11, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Collinson, Great Driffield, Yorkshire; Hitchcock & Co., Manchester; Lambert, 32, John-street, Bedford-row, London.—Fiat dated Oct. 2.

**HENRY AYRES**, Liverpool, jeweller, dealer and chapman, Oct. 23 and Nov. 20 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Sols. Evans & Son, Liverpool; Oliver, Old Jewry, London.—Fiat dated Oct. 3.

**ROBERT HARRISON**, Mold, Flintshire, corn dealer, mine proprietor, mines' agent, dealer and chapman, Oct. 19 and Nov. 20 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sols. Ingleby, Mold; Edwards & Co., New Palace-yard, London.—Fiat dated Oct. 3.

**THOMAS SAVAGE**, Nunney, Somersetshire, butcher and innholder, Oct. 23 and Nov. 20 at 12, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sols. Crutwell, and Miller, Frome, Somersetshire.—Fiat dated Oct. 3.

**HENRY CHARLES HOWELLS** the younger, Bristol, stock and share broker, Oct. 23 at 12, and Nov. 20 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sol. Whittington, Bristol.—Fiat dated Sept. 30.

## MEETINGS.

*Wm. Stockbridge*, High-street, Wandsworth, Surrey, tobaccoist, Oct. 20 at half-past 1, Court of Bankruptcy, London, last ex.—*Joseph Harper*, Chancery-lane, Middlesex, commission agent, Oct. 30 at 12, Court of Bankruptcy, London, and ac.—*John Thomas Carter*, Berners'-street, Oxford-street, Middlesex, apothecary, Nov. 2 at 11, Court of Bankruptcy, London, and ac.—*Alexander Beattie* and *Francis Macnaghten*, Nicholas-lane, Lombard-street, London, merchants, Oct. 30 at 11, Court of Bankruptcy, London, and ac.: at half-past 12, div. sep. est. *F. Macnaghten*.—*R. A. F. Kingscote*, Nicholas-lane, Lombard-street, London, merchant, Nov. 2 at 12, Court of Bankruptcy, London, and ac.—*H. Woodthorpe*, Aveley, Essex, grocer, Nov. 2 at 11, Court of Bankruptcy, London, and ac.—*Robt. D. Markham*, Edmon-ton, Middlesex, boarding-house keeper, Nov. 2 at half-past 1, Court of Bankruptcy, London, and ac.—*John Farrer*, Curtain-road, Shoreditch, Middlesex, cabinet manufacturer, Nov. 3 at 2, Court of Bankruptcy, London, and ac.—*Alfred Samuel Holt*, Norwich, grocer, Nov. 3 at 11, Court of Bankruptcy, London, and ac.—*Robert H. Evans* and *Chas. Evans*, New Bond-street, Middlesex, auctioneers, Nov. 3 at 3, Court of Bankruptcy, London, and ac.—*Anthony Birch*, Birmingham, grocer, Oct. 31 at 10, District Court of Bankruptcy, Birmingham, and ac.—*Thomas Wilders*, Sloane-street, Middlesex, common brewer, Oct. 31 at 10, District Court of Bankruptcy, Birmingham, and ac.—*Samuel Griffiths*, Wolverhampton, Staffordshire, wholesale druggist, Oct. 31 at half-past 10, District Court of Bankruptcy, Birmingham, and ac.—*John Davies*, Shrewsbury, Shropshire, mercer, Nov. 3 at 11, District Court of Bankruptcy, Manchester, and ac.—*W. Hancock*, Bath, Somersetshire, brush maker, Oct. 30 at 11, District Court of Bankruptcy, Bristol, and ac.—*William Norcliffe*, Thornhill Briggs, Halifax, Yorkshire, dyer, Nov. 3 at 11, District Court of Bankruptcy, Leeds, and ac.—*Matthew Chapman*, Devonport, Devonshire, painter, Nov. 3 at 11, District Court of Bankruptcy, Exeter, and ac.—*Joe. Carne* the younger, Falmouth, Cornwall, grocer, Nov. 3 at 11, District Court of Bankruptcy, Exeter, and ac.—*Thomas Grookham*, Chard, Somersetshire, baker, Nov. 3 at 11, District Court of Bankruptcy, Exeter, and ac.—*Wm. Oliver*, Darlington, Durham, printer, Nov. 3 at half-past 10, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.—*C. Haverham Greenhow*, North Shields, Northumberland, ship

broker, Nov. 3 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.—*George Watson*, Gateshead, Durham, bookseller, Nov. 3 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.—*Isaac Solly* and *Isaac Solly the younger*, St. Mary-axe, London, merchants, Oct. 30 at 12, Court of Bankruptcy, London, div. sep. est. of *Isaac Solly*.—*Sydney Pilling* and *Robt. Green Watson*, Gateshead, Durham, wine merchants, Nov. 3 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, fin. div.

## CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Edward Foley*, Stoke Newington-green, St. Mary, Islington, Middlesex, licensed victualler, Nov. 2 at 2, Court of Bankruptcy, London.—*George Hastings Watton*, New Bond-street, Middlesex, tobaccoist, Nov. 3 at 11, Court of Bankruptcy, London.—*Alfred Sam. Holl*, Norwich, grocer, Nov. 3 at 11, Court of Bankruptcy, London.—*R. Harding Evans* and *Charles Evans*, New Bond-street, Middlesex, auctioneers, Nov. 3 at 3, Court of Bankruptcy, London.—*James Perry*, Harlow, Essex, grocer, Nov. 3 at 2, Court of Bankruptcy, London.—*John Farrer*, Curtain-road, Shoreditch, Middlesex, cabinet maker, Nov. 3 at 2, Court of Bankruptcy, London.—*James Laws*, Broad-street, Golden-square, Middlesex, grocer, Nov. 3 at half-past 2, Court of Bankruptcy, London.—*James Gill*, Liverpool, wine merchant, Oct. 30 at 12, District Court of Bankruptcy, Liverpool.—*Thomas Shewell*, Ludgate-street, Ludgate-hill, London, tailor, Oct. 30 at half-past 11, Court of Bankruptcy, London.—*Charles Thomas Wood*, Liverpool, corn factor, Oct. 30 at 12, District Court of Bankruptcy, Liverpool.—*R. Barber Line*, Cosside, Plymouth, Devonshire, carpenter, Nov. 3 at 11, District Court of Bankruptcy, Exeter.—*Richard Reed*, Dawlish, Devonshire, miller, Nov. 3 at 11, District Court of Bankruptcy, Exeter.—*Knock Williams*, Birmingham, builder, Oct. 31 at 1, District Court of Bankruptcy, Birmingham.—*Thomas Roberts*, Birmingham, builder, Oct. 31 at 1, District Court of Bankruptcy, Birmingham.—*Edward J. Inckley*, Drayton, Leicestershire, corn dealer, Oct. 31 at 12, District Court of Bankruptcy, Birmingham.—*Wm. Inckley*, Drayton, Leicestershire, farmer, Oct. 31 at 12, District Court of Bankruptcy, Birmingham.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Oct. 30.*

*Thos. Sugar*, Kingston-upon-Hull, corn merchant.—*John Knight*, Preston, Lancashire, mercer.—*J. J. Clark*, Hounslow, and Twickenham-villas, Twickenham, Middlesex, also Westbury-upon-Trym, Gloucester, builder.—*Joseph Carne* the younger, Falmouth, Cornwall, grocer.—*James Coates*, Leominster, Herefordshire, tailor.—*Ann Hall*, Manchester, innkeeper.—*C. Burrows*, East Stonehouse, Devonshire, brewer.

## FIATS ANNULLED.

*Ch. Paddon*, Charlotte-terrace, New-cat, Lambeth, Surrey, slop seller.—*Randle Bower*, Heyrod and Black Rock-mills, near Stalybridge, Lancashire, cotton spinner.

## SCOTCH SEQUESTRATIONS.

*Alex. Kyd*, Edinburgh, grocer.—*John Lawson*, Kilmar-nock, plumber.—*Angus Sutherland*, Helmsdale, Sutherland, fish curer.—*S. Metcalf*, Galashiels, manufacturer.—*Robson & Co.*, Glasgow, tea merchants.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Thos. B. Stewart*, Providence-row, Park-road, Islington, Middlesex, mate in her Majesty's Royal Navy, Oct. 16 at 2, Court of Bankruptcy, London.—*John Peel*, Bowling, near Bradford, Yorkshire, woolcomber, Oct. 23 at 11, District Court of Bankruptcy, Leeds.—*Wm. Edmondson*, Undercliffe, near Bradford, Yorkshire, accountant, Oct. 23 at 11, District Court of Bankruptcy, Leeds.—*Ges. Harrison*, Somergange, Kingston-upon-Hull, out of employ, Oct. 21 at 10, District Court of Bankruptcy, Hull.—*K. Carratt*, Brattleby, near Lincoln, Lincolnshire, blacksmith, Oct. 21 at 11, District Court of Bankruptcy, Hull.—*George Price*, Chalford Lynch, Bisle, Gloucestershire, innkeeper, Oct. 16 at 11, District Court of Bankruptcy, Bristol.—*Joe. Aspinall*, Holmfirth, Yorkshire, shopkeeper, Oct. 15 at 11, District Court of Bankruptcy, Leeds.—*John Stocks*, Caddyfield, Southowram, Halifax, York-

shire, cordwainer, Oct. 15 at 11, District Court of Bankruptcy, Leeds.—*Jas. Bowes*, Bradford, Yorkshire, clock maker, Oct. 14 at 11, District Court of Bankruptcy, Leeds.

Wednesday, Oct. 7.

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Chas. F. Christie*, Upper John-st., Fitzroy-sq., Middlesex, captain in the 2nd Bombay European Regiment of Light Infantry: in the Debtors' Prison for London and Middlesex.—*Thos. C. Greatorex*, Adam-st. West, Berkeley-sq., Middlesex, and Dowgate-hill, London, wine merchant: in the Debtors' Prison for London and Middlesex.—*Thos. Mason*, Wellington-row, Vauxhall, Surrey, bricklayer: in the Gaol of Surrey.—*Felix Trainor*, York, licensed hawk of hardware goods: in the Gaol of York.—*John Spreckley*, New Seinton, Nottinghamshire, out of business: in the Gaol of Radford Peverel.—*Thomas Ross* the elder, Leicester, out of business: in the Gaol of Leicester.—*Geo. Marsden*, Kirkburton, near Huddersfield, Yorkshire, weaver: in the Gaol of York.—*Patrick C. Morrison*, Cassington, Oxfordshire, farming bailiff: in Oxford Castle.

*(On Creditor's Petition).*

*Robert Hebblethwaite*, Thorne, Yorkshire, gentleman: in the Gaol of York.

*The following Prisoners are ordered to be brought up before a Commissioner on Circuit:—*

*Court-house, Wakefield, Yorkshire, Oct. 23 at 10.*

*Wm. Wharrie*, Otley, tinner.—*Geo. T. Farrar*, Selby, out of business.—*Wm. Rigg*, Rawden, near Leeds, cloth manufacturer.—*John Nowell*, High-town, near Leeds, card maker.—*Jos. Brook*, Wooldale, near Holmfirth, clothier.—*Isabella Steer*, Sheffield, corn dealer.—*Elijah Emsley*, Pudsey, near Leeds, cloth manufacturer.—*William Emsley*, Pudsey, near Leeds, cloth manufacturer.—*Joseph Brook*, Halifax, joiner.—*Jonathan Battye*, Lockwood, near Huddersfield, post letter carrier.—*John Utley*, Starbottle, near Kettlewell, Craven, labourer.—*Geo. Turton*, Hambleton, near Selby, plumber.—*Isaac Hardey*, Hallas-bridge, near Bingley, worsted spinner.—*John Bradbury*, Weakey, near Dobcross, Saddleworth, common stage cart carrier.—*Wm. Dyson*, Chapel Allerton, near Leeds, sharebroker.—*Geo. Marsden*, Kirkburton, near Huddersfield, weaver.

*Court-house, Norwich, Norfolk, Oct. 24 at 10.*

*George Harris*, Cromer, plumber.—*John James Caudwell*, Garboldisham, maltster.—*James E. Laws*, Little Yarmouth, Suffolk, ship agent.—*Wm. Chamberlain*, Marlingford, out of business.—*Thos. Edw. Clarke*, Acle, surgeon.—*Rob. Goose*, Gresham, brick maker.—*Martin Bell*, Little Snoring, blacksmith.—*Wm. Colman*, King's Lynn, porter.—*John B. Hoe*, Wigganhall St. Mary, brick burner.—*Sam. Rolph*, Cley, next the Sea, mariner.—*Hen. Jas. Norfolk*, Domes, Great Yarmouth, carpenter.—*Hen. Buttle*, Erraham, near Bungay, coal dealer.—*Chas. Elsey*, Brockdish, labourer.

*Court-house, Norwich, (City), Oct. 24 at 10.*

*Wm. Storey*, Norwich, grocer.

**INSOLVENT DEBTOR'S DIVIDEND.**

*Mary Ann Mackoy*, Lower Chapman-street, Cannon-street-road, widow, at Cane's, 43, Kingsland-road: 5s. 6d. in the pound (making with former divs. 20s.).

**MEETING.**

*Benj. Claston*, Stokesley, Yorkshire, linen bleacher, Oct. 26 at 11, Black Swan Inn, Stokesley, sp. aff.

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Printed by WALTER M'DOWALL, PRINTER, residing at No. 4, Pemberton Row, Gough Square, in the Parish of St. Bride, in the City of London, at his Printing Office, situate No. 3, Pemberton Row aforesaid; and Published at No. 3, CHANCERY LANE, in the Parish of St. Dunstan in the West, in the City of London, by HENRY SWEET, LAW BOOKSELLER AND PUBLISHER, residing at No. 11, John Street, Bedford Row, in the County of Middlesex. Saturday, October 10, 1846.

# The Jurist

No. 510—VOL. X.

OCTOBER 17, 1846.

PRICE 1s.

\* \* The following are the Names of the Gentlemen who favour THE JURIST with Reports of Cases argued and decided in the several Courts of Law and Equity:—

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		Court of Review .....	{ W. W. COOPER, Esq. of the Inner Temple, Barrister at Law.

LONDON, OCTOBER 17, 1846.

(Concluded from p. 394).

In continuing the subject of our last leading article, it would be unfair not to notice, that, shortly after the decision in "*Tarleton v. Stanforth*," the insurance offices then of eminence gave notice, by public advertisements, that they would not take advantage of the decision, but would still hold themselves liable during the days of grace. (Vide 2 Park Insurance, 274, 8th ed.). But, however much such a determination was to the credit of those offices, it is impossible to overlook that, if such a notice was ever binding on them, it is clear, that it could only be so in favour of persons insuring expressly upon the faith of the undertaking implied by it.

There is a great variety in the conditions of the London life offices on the point under consideration, and some appear to be framed with the view of security against such cases as *Went v. Blunt*. For example, the Legal and General has the following condition:—"A policy will not become void if a premium shall be paid within thirty days next after the same shall become payable, notwithstanding the death, or other event upon which the sum assured by the policy shall become due, shall have happened before the payment of the premium; but if the premium shall not be paid before the expiration of thirty days from the day on which the same shall become payable according to the terms of the policy, or to any subsequent agreement with the society, then the policy shall be void." The Legal and Commercial Office, and the Equity and Law Office, have conditions somewhat similar.

No legal decision has been made upon the effect of such a condition,—it may operate at law according to its apparent meaning, but in principle nothing can be

more self-contradictory or ridiculous. Insurance is based necessarily and naturally on the doctrine of probabilities; but, under such a clause as that above referred to, a certainty is attempted to be insured,—a perfect certainty of both time and amount. The condition is, moreover, at variance with the body of the policy, and either one or the other must be inoperative.

Upon the whole, there appears to be room for at least a doubt, whether an office would, under such a condition, be obliged to receive the premium after the event had happened upon which the money assured was to become payable, although it would of course be at liberty to take the premium and pay the money assured, if its managers should think fit\*.

Other offices make no mention of the happening of the contingency before payment. Thus, by the Law Life policies it is "Declared, on behalf of the society, by the three directors thereof whose names are hereunto subscribed, that, in case the said assured shall die before or upon the said 23rd day of June, in the said year 1847, or in case he shall survive that day, and he or his assigns shall, before or upon the 24th day of June which will be in the year 1847, and in each and every succeeding year during which he shall be living, well and

\* These observations are applicable also to the Insurance Fire Office policies, which have the following conditions indorsed:—"All insurances shall be deemed to have expired at four o'clock in the afternoon of the last day of the term for which the policy, whether annual or septennial, shall have been granted; but fifteen days shall be allowed to every person insured, to be accounted from the expiration of his or her policy, for the purpose of renewing the same; and in case any loss or damage shall happen by fire before four o'clock in the afternoon of the last of those fifteen days, and such policy shall be renewed during that time, or the premium paid for the renewal thereof, then such renewed policy shall take effect from the expiration of the former policy, so as to cover such loss or damage to the extent insured." This condition is evidently intended to get over the decision in *Tarleton v. Stanforth*.

truly pay, or cause to be paid, unto the directors of the said society for the time being, the annual premium or sum of £—, of lawful money current in Great Britain, the society" &c. And there is indorsed a condition:—"Policies will not be considered to be in force beyond thirty days after the expiration of the year, unless the premium then due shall have been actually paid at the office of the society in London, on the receipt of two directors. But should proof be given to the satisfaction of the directors, that the party or parties whose life or lives hath or have been assured, continue in good health, the policies may be revived at any period within six months, on the payment of a fine to be fixed by a board of directors, not exceeding 10s. per cent. on the sum assured; or at any period within thirteen months, on the payment of such fine as the board of directors may think reasonable."

The policies of the London Life Assurance are to the same effect as the Law Life policies, but the conditions or rules of the society do not appear on the policy; they are printed on the cover in which it is sent to the assured. The conditions of the London Assurance Company (allowing thirty days) are much the same, but contain the further term:—"No assurance is in force until the premium is actually paid." The Royal Exchange Assurance Company insures on similar conditions, and makes one of its terms, that "No assurance will be in force until the premium has been paid."

Enough forms have been quoted to shew the nature of this class of offices; their terms are similar to, and must receive a similar construction with, those in *Went v. Blunt*; indeed, a large portion of the reasoning which the court applied to the policy and rules in that case, is entirely applicable to the policies of this class of offices, inasmuch as the words "he and his assigns" in the Law Life policy, "the said assured or the assigns of the said assured" in the London Life Assurance policy, clearly indicate an intention to exclude the executors or administrators of the assured from any benefit of the fifteen days.

It should seem tolerably clear, that the death of the assured, in this class of offices, within the fifteen days or other period after the true day of payment, would cause the loss of the whole sum insured; and that whatever the company might pay, would be as a matter of favour or charity, not of right.

This state of things arises out of, or rather is part of, the general want of punctuality in making periodical payments—it is unsound, improper, and unbusinesslike. Why should not the contract be distinctly stated? why not all the terms be contained in the policy, or all of them in the conditions? If it be intended that any insurance shall be in the first instance for a year and fifteen days, and afterwards for a year, beginning to run from the end of the fifteen days, with an additional year's premium on the happening of the event assured against during the last fifteen days of each further year, why is it not so stated? Again, why should not the premium be payable punctually at the end of the year? Is there any magic in the fifteen or thirty days' allowance? The insured must be punctual to the last day allowed, why can he not be so to the true day of payment? If there be any good reason for al-

lowing fifteen days, then, upon principle, any length of time should be allowed, on payment, with interest, of the premiums accrued in the interval. Thus much is certain, that a prudent insurer will take special care to pay the premiums of all policies on or before the day fixed for annual payment, and run no risk of losing the insurance by any accidental event, or the bad faith of an insurance company. Insurance companies usually act in a liberal and honourable spirit; but it must not be forgotten, that instances of conduct of another sort have occurred, and that taking strict advantage of the terms of insurance is usually defended upon the ground of some alleged suspicion of improper conduct of the assured, which the office is not able to make out by strict legal proof.

Whatever may be the difference of opinion as to certain of the preceding observations and criticisms, it is believed that all will concur in the opinion that the real contract between the insurers and the insured should be shortly and clearly expressed in one instrument, which should be in the custody of the insured; and that no term or condition should be left ambiguous, or require to be extracted from contradictory phrase, or to be sought in separate documents, or remain in the discretion of the insurers; and that, whatever the insured has contracted for, he and his representatives should receive as of right, and not by indulgence, or out of compassion.

#### STRICTURES UPON THE CASE of *BROWNE v. HOUGHTON*,

(Reported 10 Jur., Part 1, p. 747).

It is a very wise and decorous rule not to object, on slight grounds, to the recent decisions of any of our judges. This restraint, however, does not operate in the instance before us, for the error which (according to the report) was committed in *Browne v. Houghton* is so manifest, that nothing but the general accuracy of the reports of cases in the court in question which appear in this journal can induce us to receive this particular report as a correct account of the actual decision.

In *Browne v. Houghton*, it was held, that a direction to accumulate rents during minorities, *engrafted on limitations of real property in strict settlement*, and not secured by any term or trust created in *precedence* to the estates tail, was absolutely and totally void for *remoteness*; the reported ground of this decision being, that the case was concluded by *Lord Southampton v. Marquis of Hertford* (2 Ves. & Bea. 54) and *Marshall v. Holloway*, (2 Swanst. 432). And the Vice-Chancellor is represented to have been so clear in opinion, that he did not hear the reply.

By neither counsel nor judge does it seem to have been observed, that the provision for accumulation, the validity of which was questioned, was, from the first, capable of being destroyed by any and every tenant in tail entitled under the limitations; and that, consequently, it was free from any objection on the ground of remoteness. Decision after decision, and treatise upon treatise, have laid it down as a well-established rule, that no limitation, trust, power, proviso, or re-

striction liable to be destroyed by tenants in tail entitled under valid limitations, in the same instrument, can possibly be void by virtue of the rule against perpetuities. Not only, however, was this general and unvarying rule lost sight of, but it was also not remarked, that, in *Southampton v. Hartford*, the trust for accumulations was secured by a term of years preceding the estates tail, which (and, therefore, the trust of it) could not possibly be destroyed; and in *Marshall v. Holloway*, the trust for accumulation was declared of the fee itself in priority to all the limitations, so that it was not within the power of any tenant in tail entitled under them. But, in *Browne v. Houghton*, the proviso was simply engrafted upon the limitations, by way of partial defeasance thereof; so that it was, ab initio, destructible by the first tenant in tail who should attain his majority.

Upon these grounds, it is perfectly clear that the decision in this case ought to have been the reverse of that actually pronounced. This must, we presume, be attributed to the circumstance of the rules and distinctions just mentioned not having been (so far as the report informs us) at all presented to the mind of the court.

That there is no doubt whatever upon the subject, the learned reader may further certify himself, by referring to the authorities quoted in Lewis on Perpetuity, (pp. 562, 594, and 663—672). X.

### Reviews.

*The Practice of the Courts under the 9 & 10 Vict. c. 95, &c.* By JOHN JACOB, Esq., Barrister at Law.  
[Stevens & Norton, 1846.]

*The New County Courts Act, 9 & 10 Vict. c. 95, &c.* By HENRY UDALL, Esq., of the Inner Temple, Barrister at Law.  
[Stevens & Norton, 1846.]

The appearance of a new statute affecting any branch of the law, is regularly the signal for the publication of editions of the statute, prepared by learned editors, with more or less of useful learning displayed in the annotations which form the chief value of such publications. It was not to be expected that the promulgation of a statute so important as the 9 & 10 Vict. c. 95, would be without the usual accompaniment of numerous editions, enriched by notes critical, practical, &c.; and, accordingly, we believe numerous editions of this act are already before the public. Two of them only are before us, and we shall presently comment upon their merits.

Before, however, doing so, we should wish to offer a few remarks, and those chiefly by way of advice to young barristers, anxious to distinguish themselves, and to attract, by legitimate means, that notice, without which the deepest learning and the most brilliant talents are of little avail. It appears to be a prevalent notion among young professional men, that an act of Parliament effecting great changes in the law, and the provisions of which are, therefore, necessarily untouched by decision, cannot be understood by the Profession in its naked form. Hence, no doubt, they conceive, that, by printing it with notes purporting to explain its mysteries, they are extensively enlightening the public.

It appears, also, to be a prevalent notion among such

young men, that all books have a great circulation, and that if their names only appear on the back of a book of some kind, they forthwith become known men, and, being known, their professional merits will unavoidably be soon tried and tested. Both these notions we believe to be unfounded, but the latter more than the former. It may be sometimes more convenient for a professional man to read an act of Parliament in the form of a slight and portable octavo, neatly printed, than in the form in which acts are issued by the Queen's printer; and it may occasionally be convenient to him to refer to the notes, shewing what the law was that the act purports to affect, or what are the various constructions of which the clauses of modern acts are usually susceptible. It may, therefore, sometimes be really useful to the public that some young lawyer should, on the appearance of a new statute, publish an edition of it. But, with regard to the notion, that by doing so he in any, the slightest degree, lays the foundation of that species of fame, from which he may expect the solid reward of his vigils by the midnight lamp; we hold such a notion to be a pure fancy, founded on total ignorance of the state of the Profession. And we should, therefore, if we were asked to give advice to any young barrister desirous of surmounting the evil of friendless obscurity, advise him, if he does not like the labour of writing a really solid work, to fight a duel,—to win a rowing match, or a foot-race,—or to commit a breach of privilege,—anything rather than to edit an act of Parliament immediately upon its coming out. We are well aware that on this point there are many opinions, both as to the utility of such labours to the public, and as to their utility to the professional reputation of the editor; and while expressing our own opinion, we are quite willing to leave others to the enjoyment of theirs. We shall therefore now, after entering our protest against the class of works before us, which we cordially dislike, proceed to discuss the merits of the particular specimens before us, keeping in mind, that, since there are people who like barristers to prepare editions of acts of Parliament with notes, to tell them what the acts mean, or what they do not mean, it is important to such persons to be assisted in their selection of the best editions.

Mr. Udall's edition of the 9 & 10 Vict. c. 95, before us, contains some useful notes, chiefly consisting of references to decisions made in Ireland under the Civil Bill Jurisdiction; but partly consisting also of critical observations on the clauses of the act itself. Of the notes to Mr. Udall's edition, we select the following as a fair specimen, in reference to the 68th clause, enacting, "That it shall not be lawful for any plaintiff to divide any cause of action." On this, the following is the note:—

"The plaintiff shall not divide 'any cause of action' without abandoning the excess above 20l.: thus, if an entire debt is due, say on a bill of exchange for 40l., he cannot bring an action for 20l. and afterwards sue for the balance. Thus far this is clear. The large majority, however, of pecuniary claims are tradesmen's accounts, consisting of a variety of items, sold at different times, for each of which there is a separate contract or cause of action. Had there been nothing further in the section, but little or no doubt could have existed but that the creditor might have proceeded in separate actions for each item, and recovered his whole demand by successive suits in these courts. The object of the section was no doubt to prevent this being done, and to protect a debtor from a multiplicity of suits where one would suffice. Has this been effected? This appears to me to depend principally on the words I have marked in italics in the section—'any plaintiff having cause of action' for which a plaint might be entered under this act, if not for more than 20l." Does this extend the meaning of the sec-

'tion to any number of causes of action for which but one plaintiff would be necessary? Can 'cause of action' be construed to be, for this purpose, the same as one demand? for a demand may include infinite causes of action. It is certainly very far from clear that such is the meaning of the section. That part of it which enacts that the judgment shall be in full discharge of all demands in respect of such causes of action will not aid the supposed intention: it might, perhaps, have done so had the words been inverted, and it had stood thus,—that the judgment should be in full discharge of all causes of action in respect to such demand. The question simply, what is a dividing of action, has received judicial interpretation in a case that arose as to the jurisdiction of the county court,—*The King v. The Sheriff of Herefordshire*, (1 B. & Ad. 672). The application was for a writ to prohibit the sheriff from proceeding in two suits in his county court at the suit of the same plaintiff against the same defendant, and it appeared that the facts were these:—

"A. became indebted to B. in a sum not exceeding 40s., for the carriage of a parcel of goods, and in a month afterwards incurred another debt to B. not exceeding 40s., for the carriage of a second parcel. A. brought two actions in the county court for the respective debts:—Held, that the causes of action were distinct, and that A. was entitled to sue separately for each demand, and the Court of King's Bench refused a prohibition.' In that case, Lord Tenterden, giving judgment, said, this was not a splitting of actions, 'to be so, the cause of action must be one and entire: in these cases the two items are perfectly distinct debts, the one having no connexion with the other;' and he added, that the plaintiff might have sued for one before the other was due; and that, as he had a remedy for the first debt, so he must have one for the second. The Irish statute, for giving the civil bill jurisdiction to the assistant barrister's court, 36 Geo. 3, c. 25, s. 8, has the following provision:—"That no cause of action still subsisting, and, in the whole, amounting to a sum beyond such sum as is made, according to the nature of the case, recoverable by force of this act, shall be split or divided, so as to make the ground of two or more different actions, in order to bring such cases within the jurisdiction created by this act." The words 'no cause of action still subsisting, and, in the whole, amounting to a sum,' &c. would, at the first view, lead to an inference that the Legislature intended to make it apply to all causes of action existing at the time of the commencement of the suit; but the contrary has been held,—as, where A. lent B. a sum of money, and some time afterwards another sum:—Held, that A. might sue for them separately. See the cases collected in Napier's Digest Civ. Bill. The rule appears to have been settled by the decision of Bushe, C. J., in the case of *Hamblin v. Hamblin*, reported in Mr. Napier's Digest. When that case came on for appeal, the learned Chief Justice was inclined to consider it a splitting of a cause of action; but, during the argument, the above case of *The King v. The Sheriff of Herefordshire* was cited, and, after taking time to consider, he, as is stated, on the authority of that case being so much in point, held, that he had no further difficulty in deciding that it was within the jurisdiction of the civil court. It would, however, have been more satisfactory had the determination proceeded upon the words of the statute itself, rather than upon the English case, which determined simply what was a splitting a cause of action. One would be almost inclined to doubt the above being the only reason given, if it were not reported by a gentleman of the acknowledged learning and accuracy of Mr. Napier. The Westminster Court of Requests Act (6 & 7 Will. 4, c. 137, s. 42) has terms very much more special and defined: it is, 'That nothing herein contained shall ex-

tend, or be construed to extend, so as to enable any plaintiff to split or divide any cause of action for the recovery of any debt or demand, where the whole sum that shall appear to be due and owing shall amount to more than 5*l.*, in order that the same may be made the ground of two or more actions, causes, or matters in controversy, for the purpose of bringing such actions, causes, or matters within the jurisdiction of the said court."

Mr. Udall has also a very sensible note on the 91st section, on which some observations were printed ante, (10 Jur. 341):—"A question," says the learned annotator, "arises as to what the fees mentioned in this section are to be a remuneration for. Are they to be the remuneration for investigating whether a party has a cause of action as well as the conducting the action in court? or are they the remuneration for doing the business in court only? The former construction would lead to considerable absurdity. Take, for instance, the case of replevin for a distress damage feasant. The client consults his attorney. If the attorney advises that his client has a good case, and goes on to trial, he cannot recover his fees for advising and investigating, although the party succeeds; but, if he advises him that he has no case, and that there is no use to go on, he can. Or, supposing he advises him that he has a good cause of action, but declines to be the attorney in the new courts, he could recover more if he declined to go on than if he were successful in the action. It, however, is by no means an answer to a proposed construction merely because it leads to an absurdity. Such a result only operates as a warning to look out for a more reasonable construction if it can be found, and it appears to me this can be arrived at by construing the words 'appearing or acting in the said court' in a strictly literal sense. It is, however, by no means clear that this is the true construction. It may be observed that the latter part of the section speaks of the taxation of costs. One cannot conceive what taxation would be necessary if the fees mentioned apply to the whole charges touching and concerning the cause. It will also be observed, that the fees mentioned apply to the summary jurisdiction of the court only. See note to sect. 74 as to the meaning of the term 'that the judge shall proceed in a summary way.' When one sees the amount in dispute between litigants made the measure of remuneration for professional services, it brings to remembrance a former celebrated law code and its schedule of fees, by which one and the same fee was to be paid for each of the several matters mentioned in the first item, thus:—"To serjeants and barristers at law, upon a motion, reference, giving advice, or signing bills or pleadings." (See Lord Somers' Commentary in the Law Tracts, 6th vol., p. 178)."

Mr. Jagoe's edition of the act is by no means so full or so erudite in the matter of notes as Mr. Udall's. Indeed, generally, in his notes, we perceive little more than a conversion of the terms used in the clauses in the act into other terms, in order to explain them. We should except, however, from this censure, the note on the 119th section, touching actions in replevin, which, by referring to the existing law upon replevin, will assist those who have to act under the new statute. On the whole, we should say that both these little books may be found useful in their way, but we should certainly give the preference to Mr. Udall's.

The Right Hon. Sir Thomas Wilde, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas, has appointed John Lane the younger, of Stratford-upon-Avon, in the county of Warwick, Gent., to be one of the Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women, in and for the county of Warwick.



## Court Papers.

EQUITY SITTINGS, MICHAELMAS TERM,  
9 VICT.

## Rolls Court.

Before the Right Hon. the MASTER OF THE ROLLS, at Westminster.

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Wednesday ..... 11	
Thursday ..... 12	Motions.
Friday ..... 13	
Saturday ..... 14	Pleas, Demurrers, Causes, Further Directions, and Exceptions.
Monday ..... 16	
Tuesday ..... 17	
Wednesday ..... 18	
Thursday ..... 19	Motions.
Friday ..... 20	
Saturday ..... 21	Pleas, Demurrers, Causes, Further Directions, and Exceptions.
Monday ..... 23	
Tuesday ..... 24	Petitions—Unopposed first.
Wednesday ..... 25	Motions.

Short Causes, Consent Causes, and Consent Petitions every Saturday at the sitting of the court.

Notice.—Consent Petitions must be presented, and copies left with the Secretary, on or before the Thursday preceeding the Saturday on which it is intended they should be heard.

EQUITY CAUSE LISTS, MICHAELMAS TERM,  
1846.

## Rolls Court.

\*.\* The following abbreviations have been adopted to abridge the space the Cause Papers would otherwise have occupied:—A. Abated—Adj. Adjourned—A. T. After Term—Ap. Appeal—C. D. Cause Day—C. Costs—D. Demurrer—E. Exceptions—F. D. Further Directions—M. Motion—P. C. Pro Confesso—Pl. Plea—Ptn. Petition—R. Re-hearing—S. O. Stand Over—SA. Short.

## JUDGMENTS.

Earl Nelson v. Lord Briford (E)  
Hulkes v. Beaucherk (Cause)  
Lancaster v. Evors } (Cau.)  
Lancaster v. Morley }  
Fordyce v. Bridges (Cause)  
Hicks v. Lord Alvanley (Pl)  
Harris v. Farwell (One point only)

## PLEAS AND DEMURRERS.

Dean of Ely v. Gayford (6 Pls)  
S O  
Horsley v. Martin (D)

## CAUSES.

Walton v. Potter Last C D  
A. J. B. Hope v. Hope 1st C D  
A. J. Hope v. Hope 1st C D  
H. J. Hope v. Hope 1st C D  
Hele v. Bexley } (E) S O to file  
Ditto v. Ditto } Supp. Bill  
Angerand v. Parry (pt. heard)  
Hodgkinson v. Cooper (E, part heard)  
Churchman v. Capon (F D, C, part heard)  
Barnes v. Hastings

Hargrave v. Hargrave  
Clark v. Chuck  
Bagshaw v. Parker }  
Bagshaw v. Parker }  
Smuritt v. Bigge 1st C D  
Hamilton v. Samler  
Samler v. Hamilton  
Howard v. Howard  
Gustand v. Richards  
Carpmael v. Powis  
Reynell v. Reynell } (F D, C)  
Reynell v. Boom }  
Filbey v. Filbey  
Perry v. Meddowcroft  
Perry v. Lester  
Meddowcroft v. Meddowcroft  
Lister v. Few  
Meddowcroft v. Few  
Meddowcroft v. Lester  
Perry v. Triston  
Perry v. Hagrenin  
Perry v. Steele  
Robinson v. Wall  
Robinson v. Whittle }  
Knights v. Stanton  
Att.-Gen. v. Magdalen College, Oxford  
Teistel v. King's College

Att.-Gen. v. Ludlow  
Hopkinson v. Ellis } (F D,  
Hopkinson v. Knyvett } C)  
Ottley v. Gray  
Allfrey v. Allfrey  
Allfrey v. Allfrey  
Willis v. Douglas  
Baker v. Gibson } (F D, C)  
Baker v. Pearson }  
Oaseley v. Anstruther (E, 3  
acts, F D, C)  
Culsha v. Cheese (F D, C)  
Hubbard v. Young } (F D, C,  
Drewry v. Davies } Ptn)  
Drewry v. Drewry }  
Stratford v. Retson (F D, C)  
Woods v. Wood S O to present  
petition, SA  
Stourton v. Jerningham To  
present petition  
Kendall v. Granger } (F D, C)  
Kendall v. Granger }  
Kendall v. Cartew }

## NEW CAUSES.

Thompson v. Clive

Haybittle v. Parker }  
Haybittle v. Merchant }  
Pole v. Wakeman  
Hills v. Nash  
Elderton v. Lock  
Att.-Gen. v. Churchill  
Williams v. Griffiths  
Counsel v. Ward }  
Perring v. Ward }  
Pooley v. Majoribanks }  
Pooley v. Walbrook }  
Madeley v. Harborne  
Land v. Noville  
Richardson v. Hastings  
Wheatley v. Wheatley  
Kilner v. Leach } (F D, C)  
Kilner v. Day }  
Turner v. Hudson  
Turner v. Hudson } (F D,  
Turner v. Scott } C)  
Turner v. Greatwick  
Gardler v. Gardler (F D, C)  
Pattison v. Hawkesworth  
Brown v. Home (P C) 1st  
C D  
Cossens v. Green

## London Gazettes.

TUESDAY, OCTOBER 13.

## BANKRUPTS.

STEPHEN JOYCE, London-wall, London, stove and range manufacturer, ironmonger, smith, dealer and chapman, Oct. 22 at half-past 1, and Nov. 26 at 11, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Hudson, Bucklersbury.—Fiat dated Oct. 9.

CHARLES BINDLEY, Chapel-street, Spitalfields, Middlesex, trimming and silk manufacturer, silk dealer, dealer and chapman, Oct. 23 at half-past 12, and Nov. 23 at half-past 11, Court of Bankruptcy, London: Off. Ass. Turquand; Sol. Hudson, Bucklersbury.—Fiat dated Oct. 5.

JAMES PITKEATHLY, Gloucester-street, Regent's-park, Middlesex, timber merchant, dealer and chapman, Oct. 23 at 12, and Nov. 23 at 11, Court of Bankruptcy, London: Off. Ass. Turquand; Sol. Fraser, Furnival's-inn.—Fiat dated Oct. 7.

THE TRING, READING, AND BASINGSTOKE RAILWAY COMPANY, New Broad-street, London, Oct. 31 at half-past 11, and Dec. 11 at 11, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Lawrence & Flews, Old Jewry-chambers.—Fiat dated Oct. 3.

WILLIAM HOPEFUL LEREW, Upper Norton-street, Fitzroy-square, Middlesex, apothecary, Oct. 22 at 2, and Nov. 27 at 12, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Lowless & Son, Hatton-court, Throgmorton-street.—Fiat dated Oct. 7.

JOHN KEARRY, Strutton-ground, Westminster, Middlesex, cheesemonger and grocer, Oct. 29 at 2, and Dec. 3 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Baylis & Drewe, Basinghall-street.—Fiat dated Oct. 9.

WILLIAM BARKER, Tottington Higher-end, Lancashire, cotton spinner and manufacturer, Oct. 23 and Nov. 19 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Joyson, Manchester; Bower, Tokenhouse-yard, Lotherbury, London.—Fiat dated Oct. 3.

CHRISTOPHER CARLISLE CLANCEY, Chorlton-upon-Medlock, Lancashire, saddler, harness maker, dealer and chapman, Oct. 21 and Nov. 18 at 11, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Law, Manchester; Gregory & Co., Bedford-row, London.—Fiat dated Oct. 3.

JOHN WHEELWRIGHT, Stoke St. Milborough, Shropshire, farmer and timber dealer, dealer and chapman, Oct. 31 and Nov. 24 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Motteram & Knowles, Birmingham; Smith & Co., Bedford-row, London.—Fiat dated Oct. 1.

**THOMAS CROWTHER**, Liverpool, wine merchant and ship stores dealer, Oct. 20 and Nov. 20 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sols. Whitley, Liverpool; Sweeting & Byrne, Southampton-buildings, London.—Fiat dated Sept. 30.

**JOSEPH VOWLES**, Compton Bishop, Somersetshire, tea dealer, dealer and chapman, Oct. 27 at 1, and Nov. 24 at 12, District Court of Bankruptcy, Bristol: Off. Ass. Hut-ton; Sol. Alman, Bristol.—Fiat dated Oct. 7.

**JONATHAN DUMBLETON**, Hotwells, Bristol, spirit merchant, innkeeper, and licensed victualler, Oct. 29 at 11, and Nov. 24 at 12, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sol. Gray, Bristol.—Fiat dated Sept. 19.

**JOHN HEAVEN**, Bristol, painter, dealer and chapman, Oct. 27 at 12, and Nov. 24 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sol. Sabine, Bristol.—Fiat dated Oct. 7.

**CHARLES HENRY PURNELL**, Liverpool, coal merchant, dealer and chapman, Oct. 27 and Nov. 24 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Sols. Fisher & Stone, Liverpool; Cornthwaite & Adams, 14, Old Jewry, London.—Fiat dated Oct. 3.

#### METTINGS.

*Wm. F. Woodgate*, Tonbridge, Kent, banker, Nov. 3 at 11, Court of Bankruptcy, London, ch. ass.—*Francis Rolfe*, Great Marlborough-street, Middlesex, tailor, Nov. 5 at 2, Court of Bankruptcy, London, and ac.—*A. C. Fowler*, Louth, Lincolnshire, draper, Nov. 5 at 11, Court of Bankruptcy, London, and ac.—*James Gerry*, Gilbert-street, Oxford-street, Middlesex, builder, Nov. 5 at half-past 11, Court of Bankruptcy, London, and ac.—*Michael Goodale*, Rutland-terrace, Hornsey New-road, Holloway, Middlesex, builder, Nov. 6 at 1, Court of Bankruptcy, London, and ac.—*Thomas A. Cook*, Robin Hood-yard, Leather-lane, and Garnault-place, Exmouth-street, Middlesex, carver, Nov. 6 at 11, Court of Bankruptcy, London, and ac.—*Alfred Barley*, March, Cambridgeshire, draper, Nov. 6 at 12, Court of Bankruptcy, London, and ac.—*David Kempton*, Bermondsey-st., Surrey, bed manufacturer, Nov. 7 at 12, Court of Bankruptcy, London, and ac.—*Frederick Belloni*, Shaftesbury, Dorsetshire, watchmaker, Nov. 7 at half-past 11, Court of Bankruptcy, London, and ac.—*George S. Whitechurch*, Fleet-street, London, hosier, Nov. 7 at half-past 11, Court of Bankruptcy, London, and ac.—*Samuel Whitley*, William-street, Lemon-grove, Middlesex, grocer, Nov. 5 at 11, Court of Bankruptcy, London, and ac.—*John Wright*, Oxford-street, Middlesex, druggist, Nov. 6 at 1, Court of Bankruptcy, London, and ac.; Nov. 7 at 2, div.—*Edw. Casdell*, Kingston-upon-Hull, dealer in toys, Nov. 5 at half-past 11, Court of Bankruptcy, London, and ac.—*Edward Foley*, Stoke Newington-green, Islington, Middlesex, licensed victualler, Nov. 5 at half-past 12, Court of Bankruptcy, London, and ac.—*James Bickerton*, Castle-street, Southwark, Surrey, hat manufacturer, Nov. 5 at 11, Court of Bankruptcy, London, and ac.—*Henry Elphick*, Wardour-street, Middlesex, licensed victualler, Nov. 4 at 2, Court of Bankruptcy, London, and ac.—*Wm. Darnbrough*, Richmond, Surrey, tailor, Nov. 4 at half-past 1, Court of Bankruptcy, London, and ac.—*Henry Blington*, Maida-hill East, Middlesex, chymist, Nov. 4 at 1, Court of Bankruptcy, London, and ac.—*George Prince*, Romsey, Hampshire, wine merchant, Nov. 3 at 11, Court of Bankruptcy, London, and ac.—*John H. Butterworth*, King-street, Cheapside, London, hotel keeper, Nov. 3 at 12, Court of Bankruptcy, London, and ac.—*Edward Edwards Robinson*, Wolverhampton, Staffordshire, grocer, Nov. 5 at 12, District Court of Bankruptcy, Birmingham, and ac.; Nov. 7 at 12, div.—*James Conlen*, Cheltenham, Gloucestershire, woollen draper, Nov. 5 at half-past 11, District Court of Bankruptcy, Bristol, and ac.; Nov. 6 at half-past 11, div.—*Benj. Clark*, Stroud, Gloucestershire, grocer, Nov. 5 at 11, District Court of Bankruptcy, Bristol, and ac.—*James John Hance*, Liverpool, broker, Nov. 5 at 11, District Court of Bankruptcy, Liverpool, and ac.—*John Alderott*, Manchester, licensed victualler, Nov. 5 at 12, District Court of Bankruptcy, Manchester, and ac.; Nov. 6 at 12, div.—*Geo. S. Caswell* and *Wm. Croser*, Newcastle-upon-Tyne, merchants, Nov. 6 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.—*J. Ross* and *E. Burton*, Newcastle-upon-Tyne, beer dealers, Nov. 6 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.—*W. W. Spence*, New-

castle-upon-Tyne, woollen draper, Nov. 5 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac. and div.—*J. Thompson* and *John Thompson*, Leeds, Yorkshire, stock-brokers, Nov. 6 at 11, District Court of Bankruptcy, Leeds, and ac. and div.—*George Felthouse*, Dorcas-terrace, Fulham, Middlesex, plumber, Nov. 7 at half-past 12, Court of Bankruptcy, London, div.—*Charles Pullman*, Strand, Westminster, hosier, Nov. 7 at 1, Court of Bankruptcy, London, div.—*William Hart*, Whitechapel High-street, Middlesex, hat manufacturer, Nov. 4 at 1, Court of Bankruptcy, London, div.—*Joseph Francis Sporer*, St. James-street, Piccadilly, Middlesex, tailor, Nov. 5 at half-past 11, Court of Bankruptcy, London, fin. div.—*Joseph Gibbs*, Birmingham, button maker, Nov. 5 at 12, District Court of Bankruptcy, Birmingham, and ac. and fin. div.—*John Birch*, Kingston-upon-Hull, tailor, Nov. 4 at 10, District Court of Bankruptcy, Kingston-upon-Hull, div.—*Matthew Chapman*, Devonport, Devonshire, painter, Nov. 4 at 11, District Court of Bankruptcy, Exeter, first and fin. div.—*Joseph Carne* the younger, Falmouth, Cornwall, grocer, Nov. 4 at 11, District Court of Bankruptcy, Exeter, div.—*John Davies*, Shrewsbury, Shropshire, mercer, Nov. 4 at 11, District Court of Bankruptcy, Manchester, div.—*Geo. Watson*, Gateshead, Durham, bookseller, Nov. 5 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, fin. div.—*A. Reed* and *S. J. Powell*, Tottenham-court-road, Middlesex, ironmongers, Nov. 6 at 1, Court of Bankruptcy, London, and ac.—*Wm. Ballenger*, Swansea, Glamorganshire, maltster, Nov. 6 at 11, District Court of Bankruptcy, Bristol, and ac.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Thos. Ledyard Evill*, Vigo-st., Middlesex, cloth manufacturer, Nov. 6 at half-past 11, Court of Bankruptcy, London.—*Thos. Aquila Cook*, Robin Hood-yard, Leather-lane, and Garnault-place, Exmouth-st., Middlesex, carver and gilder, Nov. 6 at 11, Court of Bankruptcy, London.—*Jas. Pritchard*, Seymour-place, Camden-town, Middlesex, butcher, Nov. 5 at 1, Court of Bankruptcy, London.—*Jos. Jas. Such*, Botling-brooks-row, Walworth-road, Newington, Surrey, auctioneer, Nov. 5 at half-past 12, Court of Bankruptcy, London.—*Jos. Salmon*, Beaumont, Essex, carpenter, Nov. 4 at 2, Court of Bankruptcy, London.—*Wm. Hart*, Whitechapel High-st., Middlesex, hat manufacturer, Nov. 4 at 1, Court of Bankruptcy, London.—*Jas. Woodbridge*, Reading, Berkshire, saddler, Nov. 4 at 1, Court of Bankruptcy, London.—*Hen. Clark*, Wading-st., London, brush manufacturer, Nov. 4 at 1, Court of Bankruptcy, London.—*Jas. Ballard*, Hastings, Sussex, innkeeper, Nov. 4 at 12, Court of Bankruptcy, London.—*Geo. Augustus Cavendish*, Portman-place, Maida-hill, clerk in the employ of army agents, Nov. 5 at 2, Court of Bankruptcy, London.—*John Wm. Stratton*, March, Isle of Ely, Cambridgeshire, tailor, Nov. 5 at 12, Court of Bankruptcy, London.—*Jesse Cornelius Moore*, Wellington-street, Strand, Middlesex, bookseller, Nov. 6 at half-past 1, Court of Bankruptcy, London.—*Wm. Henry Mortimer*, Lower Harley-st., St. Mary-le-bone, Middlesex, wood parour, Nov. 5 at 1, Court of Bankruptcy, London.—*Wm. Ludlam Ollard*, Upwell, Cambridgeshire, auctioneer, Nov. 5 at half-past 1, Court of Bankruptcy, London.—*Michael Goodale*, Rutland-terrace, Hornsey New-road, Holloway, Middlesex, builder, Nov. 6 at 1, Court of Bankruptcy, London.—*Ed. Casdell*, Kingston-upon-Hull, dealer in toys, Nov. 5 at half-past 11, Court of Bankruptcy, London.—*Robert Ostoby*, Wansford, Yorkshire, and *Wm. Christopher Ostoby*, Driffield, Yorkshire, millers, Nov. 4 at 10, District Court of Bankruptcy, Kingston-upon-Hull.—*W. Howard*, Leeds, cloth merchant, Nov. 6 at 11, District Court of Bankruptcy, Leeds.—*G. S. Caswell* and *W. Croser*, Newcastle-upon-Tyne, merchants, Nov. 6 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne.—*J. Prytherch*, Wrexham, Denbighshire, grocer, Nov. 4 at 12, District Court of Bankruptcy, Liverpool.—*John Wilkinson*, Liverpool, fruiterer, Nov. 3 at 11, District Court of Bankruptcy, Liverpool.—*Thomas Wilson*, Sheffield, Yorkshire, grocer, Nov. 6 at 11, Town-hall, Sheffield.—*Geo. Hattersley*, Sheffield, Yorkshire, stove manufacturer, Nov. 6 at 11, Town-hall, Sheffield.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Nov. 3.*

*Wm. Emmett* and *John Hammon Reynolds*, Lamb-street,

**Spaldwick, Middlesex, wax chandler.**—*Chas. McKinnell*, Finchurch-st., London, wine merchant.—*Stephen Varus*, Liverpool, merchant.—*Spencer Purser*, Cheltenham, Gloucestershire, draper.—*Jonas Woodhead* and *Daniel Woodhead*, Netherthong, near Huddersfield, Yorkshire, woollen cloth manufacturers.—*John Andrews*, Hillhouse, near Huddersfield, Yorkshire, commission agent.—*William Sudlow*, Liverpool, warehousekeeper.

#### SEVERAL SEQUESTERATIONS.

*Wm. Robertson*, Edinburgh, jeweller.—*Lucas Collins*, deceased, Edinburgh, merchant.—*James Lindsay*, Glasgow, provision merchant.—*Bankier* and *Mackenzie*, Glasgow, iron merchants.—*Andrew Hain*, Cupar-Fife, merchant.—*James Falay, jun.*, Newlands, Kinross, farmer.—*Elizabeth Glass*, Perth, hotel keeper.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*James Pasmore*, Sambrook-court, Basinghall-street, London, and Chester-terrace, Borough-road, Surrey, attorney, Nov. 4 at 11, Pocock's, Bartholomew-close, London.—*Wm. Ha. Dixon*, Combe-wood, near Kingston, Surrey, lieutenant in the royal navy, Oct. 19 at 1, Court of Bankruptcy, London.—*Thos. Pucill*, All Saints, Poplar, captain and ships' steward, Oct. 17 at 2, Court of Bankruptcy, London.—*Geo. Wells*, Marlborough-terrace, Old Kent-road, Surrey, clerk to a railway company, Oct. 24 at half-past 1, Court of Bankruptcy, London.—*James Alf. Hill*, Redcross-square, St. Giles Without, Cripplegate, London, porter to a warehouseman, Oct. 22 at half-past 12, Court of Bankruptcy, London.—*Geo. Hawkins*, Redburn, Hertfordshire, grocer, Oct. 28 at 1, Court of Bankruptcy, London.—*Samuel Ellis*, St. Paul, Covent-garden, Middlesex, fruit salesman, Oct. 28 at 1, Court of Bankruptcy, London.—*Squire Steph. Lucas*, Maize-hill, Greenwich, Kent, printer, Oct. 28 at 11, Court of Bankruptcy, London.—*Thos. Chapman*, Marsh-lane, Tottenham, Middlesex, book-keeper, Oct. 22 at 1, Court of Bankruptcy, London.—*John Taylor*, Rochdale, Lancashire, grocer, Nov. 3 at 12, District Court of Bankruptcy, Manchester.

*Saturday, Oct. 10.*

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*Jas. Pascoe*, Truro, Cornwall, common carrier, No. 53,883 C.; *Wm. H. Paddon*, new assignee, in place of *James Johns*, deceased.—*Rob. Lydall*, London-st., Chalk-road, Islington, Middlesex, grocer, No. 58,268 T.; *Rob. Corser* and *Rich. A. Charlton*, assignees.—*John F. Norfolk*, High-st., Clapham, Surrey, veterinary surgeon, No. 58,411 T.; *Wm. C. Markham*, assignee.—*Henry Holloway*, Church-street, Lambeth, Surrey, licensed victualler, No. 58,424 T.; *Fred. W. Rudkin*, assignee.—*Joanna S. Kollman*, St. James's Palace, Middlesex, organist, No. 58,466 T.; *Wm. G. Thwaites* and *Samuel Prentice*, assignees.—*John Eastwood*, Shawforth, near Rochdale, Lancashire, butcher, No. 67,506 C.; *John Howarth*, assignee.

*Saturday, Oct. 10.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Chas. Tomkinson* the younger, Surbiton, near Kingston-on-Thames, Surrey, plumber: in the Gaol of Surrey.—*John Sam. E. Lucas*, Church-lane, Whitechapel, Middlesex, organ builder: in the Debtors Prison for London and Middlesex.—*Margaret S. Elliott*, widow, Brand-street, Greenwich, Kent, never in any business: in the Queen's Prison.—*Wm. Robinson*, Burnley, Lancashire, cabinet maker: in the Gaol of Lancaster.—*Geo. Dodds*, Kingston-upon-Hull, out of business: in the Gaol of Kingston-upon-Hull.—*John Morgan*, East Dean, St. Briavels, Gloucestershire, collier: in the Gaol of Gloucester.—*Jas. Granger*, Netherthorn, near Dudley, Worcestershire, out of business: in the Gaol of Worcester.—*John James, Hay*, Braconshire, net maker: in the Gaol of Brecon.

*The following Prisoners are ordered to be brought before a Commissioner on Obedience:—*

*Court-house, Kingston-upon-Hull, Oct. 27 at 10.*

*John Hollingworth*, Kingston-upon-Hull, ship-owner.

*Court-house, Reading, Berkshire, Oct. 28 at 10.*

*James Chamber*, Reading, kneedrapers' shopman.—*Peter Kirby*, Reading, baker.—*Thos. Pimley*, Reading, sculptor.—*Jas. Bill*, Greenham, Thatcham, near Newbury, carpenter.

*Court-house, YORK CASTLE, Yorkshire, Oct. 29 at 10.*

*Thos. Dickons*, York, tailor.—*Thos. Wainwright*, Kirby Moorside, out of business.—*Frances Robson*, widow, Great Driffeld, in no business.—*William Rowland*, Maltby, near Stockton-upon-Tees, labourer.—*John Hamblton*, York, tailor.—*Wm. Banks*, Kirby Moorside, out of employment.—*Francis E. Wilkinson*, York, schoolmaster.—*Richard Ellis*, Tedingham, near Malton, clerk.—*Felix Trainer*, York, licensed hawkers.—*John Robson*, Great Driffeld, cattle jobber.

#### INSOLVENT DEBTOR'S DIVISION.

*John Hammond*, South Bersted, near Bognor, Sussex, dyer, Sherwood's, Chichester: 1s. 9d. in the pound.

**FRIDAY, OCT. 16.**

#### BANKRUPTS.

**THOMAS MOORE**, St. Alban's, Hertfordshire, furniture broker and general dealer, Oct. 24 at 1, and Nov. 28 at 12, Court of Bankruptcy, London: Off. Ass. Turquand; Sol. Sayer, Broad-st.-buildings.—Fiat dated Oct. 15.

**GEORGE LUCK HARVEY**, Rood-lane, London, wine merchant, dealer and chapman, Oct. 27 at half-past 2, and Dec. 3 at 1, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Laurence & Plews, Old Jewry-chambers.—Fiat dated Oct. 9.

**THOMAS THOMPSON**, Brighton, Sussex, grocer, dealer and chapman, Nov. 3 at half-past 11, and Dec. 1 at 11, Court of Bankruptcy, London: Off. Ass. Groves; Sols. Simpson & Cobb, Moorgate-street, London.—Fiat dated Oct. 8.

**JOHN BROOKE HILLYER**, Leeds, Yorkshire, dealer and chapman, Nov. 3 and 25 at 11, District Court of Bankruptcy, Leeds; Off. Ass. Young; Sols. Rogerson & Co., Liverpool; Gregory & Co., Bedford-row, London.—Fiat dated Oct. 6.

**GEORGE CRAWSHAW** and **GEORGE DAVISON** the younger, Leeds, Yorkshire, soap boilers and cloth merchants, dealers and chapmen, Nov. 3 and 25 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Snowdon & Co., Leeds; Corias, Leeds; Lambert, Raymond's-buildings, London.—Fiat dated Oct. 9.

**THOMAS SHAW**, Stoke-upon-Trent, Staffordshire, victualler, dealer and chapman, Oct. 31 and Nov. 18 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Williams, Hailey-in-the-Pottaries; Smith, Birmingham.—Fiat dated Sept. 19.

**JOSEPH HOWARD FREEMAN**, Birmingham, builder, dealer and chapman, Oct. 31 and Nov. 18 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Wright, Birmingham; Ivimey, 26, Chancery-lane, London.—Fiat dated Oct. 9.

#### MEETINGS.

*Oliver Thomas Jos. Stocken*, Walham-green, Middlesex, brewer, Nov. 3 at 12, Court of Bankruptcy, London, pr. d.—*Jas. Gerry*, Gilbert-st., Oxford-street, Middlesex, builder, Nov. 5 at half-past 11, Court of Bankruptcy, London, last ex.—*S. Tipple*, Norwich, tailor, Oct. 23 at 1, Court of Bankruptcy, London, last ex.—*J. Evans*, Liverpool, dealer in guano, Nov. 10 at 12, District Court of Bankruptcy, Liverpool, last ex.—*R. Gill*, Black-banks, near Darlington, Durham, brick manufacturer, Oct. 29 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—*Jas. Stiffard*, Manchester, cotton spinner, Oct. 27 at 11, District Court of Bankruptcy, Manchester, last ex.—*Thomas Evans Jones*, Knightsbridge-terrace, Knightsbridge, Middlesex, linedrapers, Nov. 9 at half-past 2, Court of Bankruptcy, London, and ac.—*Sam. Stocker* the elder, Seckford-st., Clerkenwell, Middlesex, hydraulic engineer, Nov. 9 at 11, Court of Bankruptcy,

oy, London, and. ac.; at half-past 11, div.—*A. Wildy*, Oxford-st., Middlesex, hatter, Nov. 9 at 11, Court of Bankruptcy, London, and. ac.—*J. Palmer*, Worthing, Sussex, painter, Nov. 9 at half-past 2, Court of Bankruptcy, London, and. ac.—*H. Savage*, Dorset-place, Dorset-square, Middlesex, apothecary, Nov. 9 at 2, Court of Bankruptcy, London, and. ac.—*Henry Mayhew*, Shrubbery, Parson's-green, Fulham, Middlesex, newspaper proprietor, Nov. 9 at 12, Court of Bankruptcy, London, and. ac.—*Thos. Wallis*, College-st., Chelsea, Middlesex, builder, Nov. 7 at 3, Court of Bankruptcy, London, and. ac.—*Wm. Hen. Osborn* the younger, St. James-street, Piccadilly, Middlesex, silversmith, Nov. 7 at 2, Court of Bankruptcy, London, and. ac.—*J. Stiles*, Wells-st., Oxford-street, Middlesex, soda-water maker, Nov. 7 at 1, Court of Bankruptcy, London, and. ac.—*J. Philp*, Bristol, wholesale stationer, Nov. 12 at 11, District Court of Bankruptcy, Bristol, and. ac.; Nov. 13 at 12, div.—*J. Gottlob Wernick*, Plymouth, Devonshire, merchant, Nov. 17 at 11, District Court of Bankruptcy, Exeter, and. ac.; Nov. 18 at 11, div.—*Jos. Carne* the elder, Truro, Cornwall, provision merchant, Nov. 10 at 11, District Court of Bankruptcy, Exeter, and. ac.; Nov. 12 at 1, div.—*John Davies* and *Fred. Dickerson*, Plymouth, Devonshire, merchants, Nov. 17 at 11, District Court of Bankruptcy, Exeter, and. ac.—*Geo. Gillard*, Plymouth, Devonshire, grocer, Nov. 17 at 11, District Court of Bankruptcy, Exeter, and. ac.—*Wm. Cross*, Weymouth and Melcombe Regis, Dorsetshire, coal merchant and ship owner, dealer and chapman, Nov. 17 at 11, District Court of Bankruptcy, Exeter, and. ac.—*J. Cates*, Chilton Cantelo, Somersetshire, corn dealer, Nov. 17 at 11, District Court of Bankruptcy, Exeter, and. ac.; Nov. 18 at 11, div.—*Benjamin Jones*, Birmingham, victualler, Nov. 20 at 12, District Court of Bankruptcy, Birmingham, and. ac.; Nov. 28 at 12, fin. div.—*Elizabeth Watson*, *Thos. Nelson*, *George Nelson*, and *George Cooke*, Love-lane, London, and Nottingham, hosiers, Nov. 12 at 12, District Court of Bankruptcy, Birmingham, and. ac. and fin. div. of *Thos. Nelson*.—*Fred. Butler*, Stafford, ironmonger, Nov. 14 at 11, District Court of Bankruptcy, Birmingham, and. ac.—*Wm. Henry Broad*, Stourport, Worcestershire, maltster, Nov. 10 at 10, District Court of Bankruptcy, Birmingham, and. ac.—*Wm. Ellary*, Kidderminster, Worcestershire, iron founder, Nov. 14 at half-past 10, District Court of Bankruptcy, Birmingham, and. ac.—*John Clarke* and *George Clarke*, Market Harborough, Leicestershire, and Ropemaker-street, London, also Burton Latimer, Igham, and Spratton, Northamptonshire, carpet manufacturers, Nov. 14 at 10, District Court of Bankruptcy, Birmingham, and. ac. and fin. div.—*J. Russell*, Kidderminster, Worcestershire, coal merchant, Nov. 10 at half-past 10, District Court of Bankruptcy, Birmingham, and. ac.; Nov. 14 at half-past 11, div.—*Daniel Andrews*, Audley, Staffordshire, apothecary, Nov. 14 at 10, District Court of Bankruptcy, Birmingham, and. ac.; Nov. 24 at half-past 11, div.—*Samuel Whitley*, William-street, Lisson-grove, Middlesex, grocer, Nov. 9 at 11, Court of Bankruptcy, London, div.—*Anselm Colton Fowler*, Louth, Lincolnshire, draper, Nov. 9 at half-past 11, Court of Bankruptcy, London, div.—*Edward Cressell*, Kingston-upon-Hull, dealer in toys, Nov. 9 at half-past 11, Court of Bankruptcy, London, div.—*J. Bickerton*, Castle-street, Southwark, Surrey, hat manufacturer, Nov. 9 at 12, Court of Bankruptcy, London, div.—*Mich. Goodale*, Ratland-terrace, Hornsey New-road, Holloway, Middlesex, builder, Nov. 9 at 1, Court of Bankruptcy, London, div.—*F. Royle*, Great Marlborough-street, Middlesex, tailor, Nov. 7 at half-past 1, Court of Bankruptcy, London, div.—*R. Charles Turner*, Houndsditch, London, carpenter, Nov. 6 at half-past 12, Court of Bankruptcy, London, div.—*William Burleigh*, Haverhill, Suffolk, scrivener, Nov. 6 at 12, Court of Bankruptcy, London, div.—*Wm. Locks*, Leonard-street, Curtain-road, Shoreditch, Middlesex, timber merchant, Nov. 10 at half-past 12, Court of Bankruptcy, London, div.—*J. Perry*, Harlow, Essex, grocer, Nov. 10 at 12, Court of Bankruptcy, London, div.—*Charles King*, *Joseph Sandell*, and *David H. King*, Berners-street, Oxford-street, Middlesex, paper stainers, Nov. 10 at 2, Court of Bankruptcy, London, div.—*Richard Cross*, Jermyn-street, St. James, Westminster, Middlesex, harness maker, Nov. 10 at half-past 2, Court of Bankruptcy, London, div.—*J. Forth*, South-parade, Nottingham, hatter, Nov. 13 at 11, District Court of Bankruptcy, Nottingham, and. ac.—*Rich. Lees*, Wolverhampton, Staffordshire, wholesale ironmonger, Nov. 12 at 12, District Court of Bankruptcy, Birmingham, div.—*Sam. Griffiths*, Wolverhampton, Stafford-

shire, wholesale druggist, Nov. 10 at 10, District Court of Bankruptcy, Birmingham, div.

#### CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on the Day of Meeting.

*Robert Motr*, West Cowes, Isle of Wight, Southampton, stationer, Nov. 6 at 1, Court of Bankruptcy, London.—*Robt. Dallinger Markham*, Wentworth-street, Spitalfields, Middlesex, proprietor of saw mills, Nov. 9 at half-past 12, Court of Bankruptcy, London.—*John Boddington*, Manchester, corn dealer, Nov. 7 at 11, Court of Bankruptcy, London.—*Henry Savage*, Dorset-square, Middlesex, apothecary, Nov. 9 at 2, Court of Bankruptcy, London.—*David James*, Cardigan, licensed victualler, Nov. 10 at 11, District Court of Bankruptcy, Bristol.—*Thos. Benbow*, Cheltenham, Gloucestershire, mercer, Nov. 17 at 1, District Court of Bankruptcy, Bristol.—*Thos. Weinwright*, Barnsley, Yorkshire, surgeon, Nov. 19 at 11, District Court of Bankruptcy, Leeds.—*James Hall*, Leeds, Yorkshire, chymist, Nov. 19 at 11, District Court of Bankruptcy, Leeds.—*Joseph Carne* the elder, Truro, Cornwall, provision merchant, Nov. 10 at 11, District Court of Bankruptcy, Exeter.—*J. Brindley*, Coventry, Warwickshire, laceman, Nov. 24 at 11, District Court of Bankruptcy, Birmingham.—*T. Chs. Fletcher*, Nottingham, chemical manure manufacturer, Nov. 6 at 11, District Court of Bankruptcy, Nottingham.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Nov. 6.

*W. Taylor*, Worcester, sharebroker.—*J. Davis*, Broadway, Worcestershire, miller, and *Heston Norris*, Lancashire, provision dealer.—*A. Smith* and *T. Irvine*, Liverpool, merchants.—*John Biggs*, Houndsditch, London, undertaker.—*Wm. Rose*, Neptune-street, Rotherhithe, Surrey, biscuit baker.—*John Wyatt*, Ockham, Surrey, common brewer.—*Willoughby M. Smithson*, St. Paul, near Canterbury, printer.—*Thos. W. Field*, Baptist Mills, Bristol, potter.—*Rich. Kirby Franklin*, Scarborough, Yorkshire, builder.—*Rich. Knight* and *Alfred Knight* the younger, Budge-row, London, wholesale stationers.—*Th. Kempster*, Blackman-st., Southwark, Surrey, builder.—*Thos. Moyer*, Holborn-hill, London, and Coventry-street, Haymarket, Middlesex, poulterer.—*Simon Puckering* and *Wm. Thos. Mahine*, Kingston-upon-Hull, woollen merchants.—*Mich. Kelly*, Liverpool, provision dealer.—*Robt. Bleakley*, Liverpool, bricklayer.—*Thos. Read*, Manchester, cigar dealer.

#### SCOTCH SEQUESTRATIONS.

*John Maclean Beattie*, Dundee, auctioneer.—*Robt. Martin*, Devon Bank, near Alloa, Clackmannan, coal master.—*Lea & Brerene*, Glasgow, stock and share brokers.

#### INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

*Phillip Talbott*, Lower-mall, Hammersmith, Middlesex, shoemaker, Oct. 19 at half-past 11, Court of Bankruptcy, London.—*Wm. Marshall*, Bagnor, near Newbury, Berkshire, farmer, Nov. 3 at 12, Court of Bankruptcy, London.—*Wm. Fox*, Bridge-street, Lambeth, Surrey, out of business, Nov. 3 at 12, Court of Bankruptcy, London.—*John Smallhorn*, Cleveland-street, Fitzroy-square, Middlesex, carver, Nov. 3 at 12, Court of Bankruptcy, London.—*John Badmen*, Mountgardens, Westminster-road, Lambeth, Surrey, boot maker, Nov. 3 at 1, Court of Bankruptcy, London.—*R. W. Knowles*, Canterbury-place, Kennington-road, Lambeth, Surrey, dealer in artificial flowers, Nov. 3 at half-past 1, Court of Bankruptcy, London.—*Stephen Baldwin*, Boxley, Kent, farmer, Nov. 3 at 11, Court of Bankruptcy, London.—*Ambrose King*, Upper Seymour-street, Euston-square, Middlesex, grocer, Nov. 3 at half-past 11, Court of Bankruptcy, London.—*C. J. Bean*, Liverpool-street, Newington, Surrey, commercial traveller, Nov. 3 at 2, Court of Bankruptcy, London.—*R. Trudgell*, Cambridge, out of business, Nov. 3 at half-past 11, Court of Bankruptcy, London.—*Robson Harrison*, Nelson-terrace, City-road, Islington, Middlesex, commission agent, Oct. 24 at 12, Court of Bankruptcy, London.—*James Bull*, Richmond, Surrey, out of business, Nov. 3 at 12, Court of Bankruptcy, London.—*John O'Brien*, George-street, St. Giles-in-the-Fields, Bloomsbury, Middlesex, beer retailer, Oct. 29 at 11, Court of Bankruptcy, London.—*L. R. Coles*, Bridge-house-

place, Newington-causeway, London, umbrella manufacturer, Nov. 3 at 11, Court of Bankruptcy, London.—*Edw. Jesus*, Old Breatford, Middlesex, teacher of music, Nov. 3 at 11, Court of Bankruptcy, London.—*Wm. Boswood*, Bow-street, Covent-garden, Middlesex, relieving officer of the Strand Poor Law Union, Oct. 22 at 11, Court of Bankruptcy, London.—*James Turner*, Stoke, Stone, Staffordshire, maltster, Oct. 24 at 12, District Court of Bankruptcy, Birmingham.—*J. Keep*, Nottingham, out of business, Nov. 13 at half-past 11, District Court of Bankruptcy, Birmingham.—*Robt. Lupton*, Preston, tailor, Oct. 29 at 12, District Court of Bankruptcy, Manchester.—*Thos. Jones Deen*, Choriton-upon-Medlock, Lancashire, joiner, Oct. 28 at 12, District Court of Bankruptcy, Manchester.—*James Marsden*, Blackburn, Lancashire, cotton spinner, Oct. 27 at 12, District Court of Bankruptcy, Manchester.—*Daniel Watson*, Horsforth, Guiseley, Yorkshire, shopkeeper, Oct. 21 at 11, District Court of Bankruptcy, Leeds.—*George Scott*, Horton, Bradford, Yorkshire, out of business, Oct. 21 at 11, District Court of Bankruptcy, Leeds.—*Godfrey Ragg*, Sheffield, Yorkshire, spring knife cutter, Oct. 23 at 11, Town-hall, Sheffield.—*George Woollen*, Sheffield, Yorkshire, shopkeeper, Oct. 23 at 11, Town-hall, Sheffield.—*Jonathan Woollen*, Sheffield, Yorkshire, bone scale cutter, Oct. 23 at 11, Town-hall, Sheffield.—*Wm. Chambers*, Raistrick, Halifax, Yorkshire, builder, Oct. 21 at 11, District Court of Bankruptcy, Leeds.—*J. Mountain*, Boston, Bramham, Yorkshire, joiner, Oct. 21 at 11, District Court of Bankruptcy, Leeds.—*Thomas Thorakill*, Leeds, Yorkshire, beer-house keeper, Oct. 21 at 11, District Court of Bankruptcy, Leeds.—*Edwin Edward Harper*, Sheffield, Yorkshire, optician, Oct. 23 at 11, Town-hall, Sheffield.—*Thos. Smith*, Rotherham, Yorkshire, licensed victualler, Oct. 23 at 11, Town-hall, Sheffield.—*Geo. C. Atkinson*, Newcastle-upon-Tyne, butcher, Oct. 30 at half-past 10, District Court of Bankruptcy, Newcastle-upon-Tyne.—*William Shaw Hill*, Salford, Lancashire, beer-house keeper, Oct. 29 at 12, District Court of Bankruptcy, Manchester.—*David Bowen*, Paradise-terrace, Paradise-street, Lambeth-walk, Surrey, commission agent in the sale of coals, Oct. 29 at 11, Court of Bankruptcy, London.—*John Wade*, Thornbury, Gloucestershire, out of business, Nov. 9 at 11, District Court of Bankruptcy, Bristol.—*James Robertshaw*, High-town, near Leeds, Yorkshire, coal miner, Nov. 30 at 11, District Court of Bankruptcy, Leeds.—*Wm. Taylor*, Upper Batley, near Dewsbury, Yorkshire, out of business, Oct. 30 at 11, District Court of Bankruptcy, Leeds.—*George Sergeant*, Selby, Yorkshire, master mariner, Oct. 30 at 11, District Court of Bankruptcy, Leeds.—*John Warriner*, Helmsley Blackmoor, Yorkshire, dealer in earthenware, Oct. 30 at 11, District Court of Bankruptcy, Leeds.

Wednesday, Oct. 14.

Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—

(On their own Petitions).

*Thos. Bott*, Chenies-mews, Bedford-square, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Thos. Riley*, Clapham-road-place, Clapham-road, Surrey, out of business: in the Queen's Prison.—*Thos. Hale*, Long-lane, Bermondsey, Surrey, out of business: in the Debtors Prison for London and Middlesex.—*Wm. Hen. Osborn* the elder, Ravenscourt-terrace, Hammersmith, and Prince-st., Cavendish-sq., Middlesex, out of business: in the Queen's Prison.—*Sam. Lemage*, Beckford-row, Walworth-road, Surrey, no trade: in the Queen's Prison.

(On Creditor's Petition).

*Edwin Rich. R. Letton*, Greenwich, Kent, no business: in the Queen's Prison.

(On their own Petitions).

*Merrick Jones*, Ragland, Monmouthshire, out of business: in the Gaol of Monmouth.—*Jas. Price*, Pencoyd, Herefordshire, farmer: in the Gaol of Hereford.—*Thos. Deacle*, Bwlch farm, Llananno, Radnorshire, farmer: in the Gaol of Prescigne.—*Sam. Thompson*, Darlington, Durham, out of business: in the Gaol of Durham.—*Jos. Pearce*, Liverpool, chief mate of the barque Choice: in the Gaol of Lancaster.—*Thos. Broughton*, Burnley, Lancashire, dealer in cotton fens: in the Gaol of Lancaster.—*Cyrus Ryley*, Burnley, Lancashire, cotton spinner: in the Gaol of Lancaster.—*Dav. Vingcomb*, Westgate, Newcastle-upon-Tyne, out of business: in the Gaol

of Newcastle-upon-Tyne.—*Jas. Sinclair*, Gateshead, Durham, grocer: in the Gaol of Durham.—*John Robinson*, Allendale, Northumberland, farmer: in the Gaol of Morpeth.

The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Monday, Nov. 2, at 9.

*Isaac Paiba*, Bethnal-green-road, Bethnal-green, Middlesex, leather seller.—*James Crew*, Lower Norwood, Surrey, brick maker.—*Jos. Scouler*, Strathmore-terrace, Back-road, Shadwell, Middlesex, tailor.—*Harriett Pitcher*, Bath-street, City-road, Middlesex, cheesemonger.—*Wm. S. Simpson*, Bedford-place, Commercial-road East, Middlesex, and Great Tower-street, London, auctioneer.—*John Castledine*, Long Ditton, Surrey, out of business.—*Rich. Wm. Roberts*, Corporation-row, Clerkenwell, Middlesex, and York-st., Borough-road, Southwark, Surrey, no trade.—*William Coates* the younger, Tabernacle-walk, Middlesex, wholesale clothier.—*Th. Hogg*, North-wharf-road, Paddington-green, Middlesex, plasterer.—*Hamilton Murray*, Angel-gardens, Shadwell, Middlesex, furniture broker.

Adjourned.

*Geo. Miles*, Grosvenor-row, Pimlico, Middlesex, egg merchant.—*Edmund R. Butler*, Regent-street, Middlesex, in no profession.

Court-house, OXFORD, (County), Oct. 30 at 10.

*Thos. East*, Lower Heyford, baker.—*Patrick C. Morrison*, Cassington, farming bailiff.

Court-house, WORCESTER, (County), Nov. 2 at 10.

*Sam. L. Seal*, Knightwick, out of business.—*John Neek*, Oldbury, butcher.—*Wm. Jones*, Upper Howsell, Leigh, out of business.—*William Parton*, Bowdley, bricklayer.—*James Granger*, Neatherston, near Dudley, out of business.

Court-house, WORCESTER, (City), Nov. 2 at 10.

*Thos. King*, Worcester, tailor.—*John Griffiths*, Worcester, shoemaker.—*Wm. Davies*, Worcester, china potter.

Court-house, DURHAM, (County), Nov. 2 at 10.

*John Aug. Noel*, Heaton, near Newcastle-upon-Tyne, clerk to a wine merchant.—*Ralph Cowell*, Southwick, near Sunderland, market gardener.—*Geo. Blenkinsop*, Campp, pitman.—*Jas. Sinclair*, Gateshead, grocer.—*Sam. Thompson*, Darlington, out of business.—*John Orton*, Woodbine-cottage, near Pity Me, superintendent to the erection of certain coke ovens.

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OCTOBER 24, 1846.

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LONDON, OCTOBER 24, 1846.

Our readers will perceive, in this day's JURIST, a communication from a correspondent on the subject of trusts for accumulation. The cases there referred to, and in particular the very recent case of *Browne v. Houghton*, (10 Jur. 747), afford strong proof of the undeviating wish of men, to perpetuate beyond the grave, their dominion over their property. That such a desire may be natural we do not deny, but it is not of course that the law should favour a human propensity merely because it is natural; on the contrary, the object and proper function of law is to control those tendencies of the human mind which are inconsistent with the well-being of society; and there is, perhaps, no subject to which the influence of a wholesome and effective law can be better directed, than that of the almost universal desire of mankind to dictate to as much of future generations as possible, the mode in which they shall enjoy property.

Many persons appear to think, influenced, no doubt, by the habit of considering the great power of disposition by will that the law of England has long given to the owners of property, that the natural law gives to a man the right of absolute testamentary disposition over the worldly goods that he has acquired. The practice of mankind is, however, opposed to any such doctrine. Among the Jews, no power of disposition extended in general beyond half a century; for, as in the year of the Jubilee, that is, every fifty years from the taking possession by the children of Israel of the land of promise, every man who could make out his title to lands that had been sold in the preceding half century was to return to his possession\*, it follows that no power of disposition could extend over a greater period than such

half century. "In the year of this Jubilee," says the ancient Hebrew law, "ye shall return every man unto his possession." (Lev. cap. 25, ver. 13). And again, "The land shall not be sold for ever: for the land is mine; for ye are strangers and sojourners with me. If thy brother be waxen poor, and hath sold away some of his possession, and if any of his kin come to redeem it, then shall he redeem that which his brother sold; and if the man have none to redeem it, and himself be able to redeem it, then let him, &c.; but if he be not able to restore it to him, then that which is sold shall remain in the hand of him that hath bought it until the year of jubilee; and in the jubilee it shall go out, and he shall return unto his possession." (Lev. chap. 25, vers. 23 to 28).

By the law of France at this day, no man has unlimited testamentary power of disposition over his property, whether he has acquired it by descent or by his own industry; but the law disposes of a given portion of it to his family, both in the ascending and descending line, leaving him a testamentary disposition only over the remainder.

"Les libéralités, soit par actes entre vifs, soit par testament, ne pourront excéder la moitié des biens du disposant, s'il ne laisse à son décès qu'un enfant légitime; le tiers s'il laisse deux enfans; le quart s'il en laisse quatre ou un plus grand nombre.

"Les libéralités par actes entre vifs, ou par testament, ne pourront excéder la moitié des biens, si, à défaut d'enfans, le défunt laisse un ou plusieurs ascendans dans chacune des lignes paternelle et maternelle; et les trois-quarts, s'il ne laisse d'ascendans que dans une ligne." (Code Civil, liv. 3, tit. 2, ss. 913, 915).

Our own law, which, we believe, gives larger powers of testamentary disposition than the laws of any known civilised community, still exercises some sort of control over the caprices of testators, by restricting them

\* See Leviticus, cap. 25.

from so tying up property as to make it inalienable for more than a given period after the testator's death. The question, whether a man is to be any and what extent deprived of the power of prescribing what shall be done with his property after his death, is, in fact, entirely one of conventional, and not of natural law. By the natural law, it would seem, if, indeed, there be any such thing as a natural law of property, that with life all dominion over property must cease. But this doctrine, it has been thought, would be so far at variance with the ordinary feelings of mankind, as to impede the operation of the desire of acquiring property; and hence, we find, in most codes of law, some testamentary powers recognised. On the other hand, to permit a citizen of a civilised state to prolong his dominion over his property after his death to any great extent, is manifestly inconvenient.

In this country, an immense portion of the litigation with which society is convulsed, arises out of the intricate dispositions that testators, under the sanction of the law, attempt to make of their property, so as to extend their control as far as possible into futurity; and it is a question deserving the serious consideration of the Legislature, whether the testamentary power recognised by the law of England does not far exceed that which the well-being of society requires. Attempts to tie up property, as it is called, so as to protect future generations against their own imprudence, afford them protection only at the expense of depriving them of self-reliance, and of the incentives to prudence; and it may be doubted whether they do not more mischief to society by destroying independence of character, than they do good by restraining waste. On the whole, we should be much inclined to think that our law would be improved, if it went further than it does in controlling the disposition of men to regulate the devolution of their property after their own death, and, in particular, in checking every attempt at withdrawing property from circulation, by a compulsory accumulation, long after any living mind can preside over it, and judge of its fitness to the existing wants of the community.

### Correspondence.

TO THE EDITOR OF "THE JURIST."

Sir,—I have been rather surprised by the strictures contained in your last Number (p. 414) upon the case of *Browne v. Houghton*, (10 Jur. 747), and particularly by the attempt to distinguish that case from *Lord Southampton v. Hartford*, (2 Ves. & Bea. 64). Your correspondent, X., argues, that, because the trusts for accumulation were secured in the latter case by a term of years preceding the estates tail, they could not be destroyed; and that in that consists the distinction between the two cases; the trusts for accumulation being, as he urges, in *Browne v. Houghton*, engrafted upon the very limitations of the estates tail, in partial defiance thereof, and destructible by any tenant in tail having attained twenty-one.

It appears to me, that, if the case of *Lord Southampton v. Hartford* is carefully examined, it will be found that no such distinction substantially exists.

The trusts for accumulation secured by the term, in *Lord Southampton v. Hartford*, were, (and I cite them at length, that your readers may see clearly whether they support the arguments that I found upon them),

"that during the minority or respective minorities of any persons or persons respectively, who, for the time being, should, by virtue of the limitations in the said settlement contained, be immediate tenant for life, in tail male, or in tail, in possession of or actually entitled to the yearly rents, issues, and profits of the said estates, the said trustees should receive and take the said yearly rents, &c., and, after payment thereof of the charges and incumbrances which should then affect the said estates, should, during such minority or respective minorities as aforesaid, lay out and invest the said yearly rents, &c., in the purchase of public stocks or funds, or upon government or real securities in England, to be from time to time altered and varied as occasion should require; and receive the dividends, interest, &c., and lay out and invest the same in the purchase of or upon stocks, funds, or securities of the like nature, to be also from time to time altered and varied, so that the same might, during such minority or respective minorities, accumulate; and to stand possessed of and interested in the sums of money, stocks, funds, and securities to be purchased with such yearly rents, and the interest, dividends, and annual produce respectively, and the accumulations thereof respectively, and the dividends and annual produce of such accumulations, in trust for such person or persons respectively as should, immediately upon the expiration of such minority or respective minorities as aforesaid, or the death or deaths of such minor or minors as aforesaid, be tenant or tenants in possession of or entitled to the rents and profits, and be of the age of twenty-one years; and it was further declared, that, in the meantime and until the said rents, issues, and profits should amount to a sum competent for the discharge of the incumbrances in the said settlement directed to be discharged, the trustees might invest the same in the purchase of stock, &c., and that in such case the dividends and interest of such last-mentioned stock should be accumulated, and the same and the accumulations thereof be laid out and invested as last thereinbefore mentioned, till the same respectively should be applied in the discharge of the said sums of money so to be discharged."

"Under this settlement," observes the accurate author of the *Treatise on the Thellusson Act*, "since there might possibly be an indefinite succession of tenants in tail dying under twenty-one years of age, the aforesaid trust might cause an accumulation of the rents and profits of the said settled estates for an indefinite period." (*Treatise on the Thellusson Act*, p. 93). And this is the view that was taken of the case both in the arguments at the bar, and in the judgment. "This," said Sir W. Grant, "is an attempt wholly to sever the surplus rents and profits from the legal ownership of the estate for a time that may extend much beyond the period allowed for executory devises or trusts of accumulation, and to give them to a person who may not come into existence until after that period. . . . As to the possibility that Lord Southampton may attain the age of twenty-one, that never has been held to be an answer to the objection, that the trust, as originally created, is too remote. Supposing this accumulation allowed to go on, and he dies under twenty-one, what is to become of the accumulated fund? The deed says, it shall go to the first person entitled to the estate who shall attain twenty-one, though there should be no such person for a century to come." It is clear, from these passages, that the vice of the trust, in the view of Sir W. Grant, was, that, by its terms, if there was no person entitled within twenty-one years after the lives in being, who should attain twenty-one, the vesting of the accumulated fund was intended to be suspended till there should be a person entitled who should attain twenty-one, at whatever time that might

\* *Treatise on the Thellusson Act*, by John F. Hargrave.

happen; in other words, that the measure of the period for the vesting of the accumulated fund should not be accurately a period not exceeding twenty-one years after the termination of the lives in being, but the happening of an event which might not happen till some period infinitely beyond the twenty-one years.

It is true, as X. suggests, that the term preceding the estate tail could not be destroyed by any tenant in tail under the settlement. But that does not affect the question. It would not have been necessary for a tenant in tail, having attained twenty-one, to destroy the term or its trusts in order to arrest the accumulation, so far as his estate was concerned; because the trust for accumulation itself directed that the accumulated fund should go to the first person entitled who should attain twenty-one. Such person would take it under, and not in derogation of, the trust. But the question was, whether, if the trust was to be held valid, there would not be, in events which might happen, an accumulated fund, at a period exceeding the period when the estate in the land could remain unvested;—and it was clear that such a state of things might happen consistently with the intention of the declared trust; indeed, that, upon the construction of the trust, such was its very intention. Now, it must not be forgotten that the rule against perpetuities is not, that an estate shall not be inalienable, by reason of any personal incapacity of the owner to convey, for more than twenty-one years after lives in being; but only that its vesting, and consequent capacity of being aliened, shall not be suspended beyond that period. Hence it is, that, indirectly, an estate tail may be in fact inalienable for much more than the twenty-one years; not because it is not susceptible of alienation, but because it may be in the possession of an owner personally incapable of doing the acts necessary for its alienation.

The test of validity in a trust for accumulation debars the Thellusson Act must be the same. If it be so framed that the accumulated fund must vest within the twenty-one years, it will be good, although it might vest in an owner personally incapable of disposing of it; but, if its terms be such, that, if allowed to take effect, it would suspend the vesting of the accumulated fund beyond the twenty-one years, then it is wholly bad. It is from confounding, as it appears to my judgment, the trust for accumulation of the rents, with the limitations of the estate, that your correspondent has fallen into the error of distinguishing *Browne v. Houghton* from *Lord Southampton v. Hertford*, and of denying the soundness of the former decision. The trust for accumulation in *Browne v. Houghton* is, it is true, in a certain sense, engrafted upon the limitations of the estate; that is to say, the estates are first limited, and then the trusts as to the rents are fastened upon those limitations by way of partially cutting them down. But it is not strictly correct to say, that, in this case any more than in *Lord Southampton v. Hertford*, a recovery by a tenant in tail having attained twenty-one would destroy the trust. The trust for accumulation in *Browne v. Houghton* ceases, by virtue of its very terms, as it did in the earlier case, upon any person attaining twenty-one. And though it may be true, that, if it did not so cease, it might be destroyed by the recovery of the tenant in tail, that is no reason for supporting it as a valid trust, if it is found that it cannot be, and is intended from its very structure not to be, destroyed in events that may happen, and under which the estate tail cannot be barred; that is, if it cannot be destroyed upon the vesting of an estate tail, which cannot be actually aliened, by reason of the minority of the tenant in tail. The principle of the decisions in both the cases referred to is, Sir, I conceive, the same: viz. that, without reference to what may happen or be done to the trust for accumulation, on any of the persons to whom the estate is limited in

possession, attaining twenty-one, either by reason of the form of the trust itself, or of any act of the person entitled affecting such trust, the trust is, in both cases, void, on the ground of its tending to perpetuity; because it is so constructed, that, if there should be successive minorities extending over a greater period than twenty-one years after the lives in being, the trust for accumulation would not, according to its terms, cease, and the accumulated fund would not vest; while at the same time the trust, even if destructible, could not be destroyed so as to accelerate the vesting of the accumulated fund, by reason of the personal incapacity of the owner of the estate. If this be kept in view as the true principle of the decisions in *Lord Southampton v. Hertford* and *Browne v. Houghton*, it will be seen that they are in perfect harmony with each other, and that neither is inconsistent with the general rule relied upon by your correspondent X. C. S. D.

## A REPOSITORY OF POINTS IN EQUITY AND CONVEYANCING\*,

*Designed to combine the Advantages of an Abridgment of, and an Index to, the recent Cases, and of an original Statement of the Points established thereby.*

BY JOSIAH W. SMITH, B.C.L.,

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Editor of *Fearn's Contingent Remainders*, and Author of a *Treatise on Easements and Incumbrances*.

## PART II.

### ADMINISTRATION

*of the Estate of an Executor who had bequeathed his Testator's Assets as his own.*—Where an executor deals with, and ultimately bequeaths, certain canal shares of his testator with some of his own, as if they were all his own, and dies indebted to his testator's estate, what is due from his estate to that of his testator is not to be exclusively or primarily paid out of the canal shares of his testator, but the legatees of those shares take them as if they were his property; and the debts due from his estate to the estate of his testator must be paid in the same manner as his other debts; that is, his general personal estate must be applied first in payment of them; and, if that is insufficient, the specific legatees of the canal shares and the specific legatees of other chattels (if any) must contribute proportionably to make up the deficiency. *Ibbotson v. Ibbotson*, 13 Sim. 544.

*Legacy to a Debtor of a Testator whose Debt is barred.*—An executor is not obliged to pay a legacy to a legatee who is indebted to the testator in the amount of the legacy, although the debt may have been barred by the Statute of Limitations before the testator's death: for the statute does not extinguish the debt; it only takes away the means of recovering it. The debt, therefore, is a part of the testator's assets; and the executor has a right to say to the legatee, "Pay yourself out of that portion of the assets in your hands." *Courtney v. Williams*, 15 Law J. 204—L. C.

*Contribution between specific Legatees and Devisees towards Payment of Debts.—General Rules of Construction.*—Where a testator, whose assets are wholly legal, devises all his real estate, no part of which is in mortgage, or specifically charged with any debt, and gives

\* See Preface to Part I, ante, p. 185. This Second Part comprises the points which occur in THE JURIST and the Law Journal, from the beginning of April to the end of July, and in the other Reports published during the same period; namely, 7 Beavan, part 3; 13 Simons, part 4; 4 Hare, part 4; 14 Meeson & Welsby, part 4; 6 Adolphus & Ellis, part 2; Davidson & Morvink, part 5; 7 Manning & Granger, part 4; and 1 Manning, Granger, & Scott, part 4.

specific and pecuniary legacies, and does not charge the real estate generally, or any part of it, with the payment of debts, and the personal estate not specifically bequeathed is insufficient for the payment of the specialty debts; so much of the debts as the personal estate not specifically bequeathed is insufficient to pay, must not be borne wholly by the specific legatees, but by them and the devisees rateably. For, although the personal estate is the primary fund for the payment of the debts, yet this is only a rule of positive law, and not of abstract justice; and the effect of pursuing a branch of law merely positive to its full extent and consequences, without exception or mitigation, must be a departure from natural equity. And it may be stated to be a rule of construction, that every will ought to be read, as in effect embodying a declaration by the testator, that the payment of his debts shall be, as far as possible, so arranged as not to disappoint any of the gifts made by it, unless the instrument discloses a different intention. *Tombs v. Roch*, 10 Jur. 534—V. C. B.

**Priority of Annuities over Legacies.**—Although a testator directs his trustees to stand possessed of the proceeds of the sale of his residuary real and personal estate, upon trust, in the first place, to pay a certain debt, and then upon trust to set apart and invest a sufficient sum to answer certain annuities; and, in the next place, after making such investments, upon trust to pay the several pecuniary legacies given by his will; the annuities have no priority over the legacies: for the directions may amount to no more than this: first, "I direct so and so; secondly, I direct so and so; next, I direct the payment of legacies." *Thwaites v. Foreman*, 10 Jur. 483—L. C.

See "Conversion."

#### ADMISSION

**of a Mortgagee's Title.**—Where a mortgage deed recites that the mortgagor is seised in fee, and another person indorses on it that he, "the purchaser of the equity of redemption," has further charged the estate; such a memorandum, though, perhaps, not strictly an estoppel, for want of mutuality, is an admission, which may be used as evidence, that he is in the same position as the mortgagor; that he has no other title than one derived from him. And as the mortgagor is estopped from setting up against the mortgagee that the legal title in any part of the premises is in any other person; so, his assignee of the equity of redemption is prevented from setting up this defence. *Doe d. Crawford v. Stone*, 10 Jur. 480—C. P.

**AGREEMENT.**—See "Compromise," "Specific Performance."

#### ALIENATION.

**Attempt to restrain Alienation.—Alienation by Insolvency.**—Where a testator directs an annuity to be paid to a person until he shall attempt to anticipate or incumber the same, or until any other person may claim the same; and, from and after such attempt or claim, the testator wills that the same be applied for his personal support, clothing, or maintenance, and for no other purpose whatever; the annuity will pass to his assignee, if he takes the benefit of the Insolvent Debtors Act. *Youngusband v. Gisborne*, 10 Jur. 419—L. C.

**ALTERNATIVE LIMITATION.**—See "Remoteness."

#### ANNUITY.

**Postponed Annuity.—Words annexed to a prior gift extending to a subsequent one.**—Where a testator gives all his property to a person, he paying to another a certain annuity for life, and, at her death, to pay one of her sons a certain sum, and another son another sum, and her daughter an annuity for life, and a certain sum

twelve months after the testator's death; and he directs that certain other persons shall have legacies twelve months after his death, and annuities; the annuity to the daughter is deferred until the death of the mother. *Roebuck v. Habershon*, 10 Jur. 279—V. C. B.

**Necessity for Inrolment.**—Where a person is seised of freehold property in fee simple in possession, or is entitled to freehold property under a conveyance to such uses as he shall appoint, and, until appointment, to the use of himself for life, remainder to a trustee for life, in trust for him, and to bar dower, remainder to his heirs and assigns; and he grants an annuity, and the property is of greater annual value than the annuity, beyond any other annuity or the interest of any other principal sum charged thereon; such annuity is within the exceptions in the stat. 53 Geo. 3, c. 141, and does not require inrolment. *Doe d. Butler v. Lord Kensington*, 15 Law J. 153—Q. B.

**Secured both by Rights of Entry and by a Term.**—Where an annuity is secured not only by a right of entry and distress, and by a right of entry and perception of the profits given to the grantee, but also by a term limited by the same deed to a trustee for him to raise arrears by devise, sale, or mortgage; the rights of entry will not destroy the term, nor will the term defeat the right of entry: both kinds of remedies may co-exist. *Doe d. Butler v. Lord Kensington*, 15 Law J. 153—Q. B.

**Whether charged on Rents payable during the Annuitant's Life only, or on the Corpus of the Estate.**—Where a testator gives freehold and leasehold estates to trustees, upon trust to receive the rents when and as the same shall become due and payable, and thereout to pay his wife an annuity during her life, and, after her decease, upon trust to convey the estates to the use of other persons; in such case, the estates not being directed to be conveyed subject to the annuity, the annuity is not charged on the rents generally, whether payable in the vendor's lifetime or after her decease; and, therefore, if the rents received during the widow's lifetime are insufficient to pay the annuity, it must abate. *Foster v. Smith*, 15 Law J. 183—L. C.

**Consideration.—Seduction and Cohabitation.**—Past seduction and cohabitation are not a good consideration to support a grant of an annuity. *Beaumont v. Rex*, 15 Law J. 141—Q. B.

**Interest to be paid on a Debt not an Annuity.**—Where a bond is given for a previously existing debt, and the condition is, that, if the obligor shall pay interest at 5l. per cent. on the debt during the joint lives of the creditor and his wife, the bond shall be void; but, in case of failure in paying the interest within the times specified, the debt shall become recoverable by the obligee; this is not a grant of an annuity, of which a memorial is required to be inrolled within the stat. 53 Geo. 3, c. 141; for, even if an annuity granted for a bygone consideration is within the statute, in the ordinary case of an annuity the money advanced is irrecoverably gone; whereas, in the above case, the debt is still to be recoverable if the interest is not paid. Besides, this case is one of benefit to the party paying the interest; for, by doing so, he is to be excused payment of the principal; whereas the mischief intended to be prevented by the statute, was the making of improvident bargains by needy persons. *Marriage v. Marriage*, 1 M. & Gr. 761.

See "Alienation," "Injunction."

#### APPORTIONMENT.

**Dividends payable to a Person at a given Age not apportioned.**—Where executors are directed, after a child attains twenty-one, to apply dividends for his support until he attains the age of twenty-five, and he attains twenty-one between the periods of payment of the half-yearly dividends, he is entitled to the whole half-yearly

dividend received after the attainment of his majority, and not to an apportioned part only. *Campbell v. Campbell*, 7 Beav. 452.

ASSIGNMENT—See "*Statute of Limitations*," "*Vendor and Purchaser*."

#### ATTORNEY.

*Mortgagee's Attorney's Claim to a Lien on Deeds against the Mortgagor.*—After a re-conveyance by a mortgagee to the mortgagor, the attorney of the mortgagee cannot retain the deeds against the mortgagor as a security for the expenses of the transaction due from the mortgagee to the attorney. *Wakefield v. Newton*, 6 Adol. & Ell. 276.

#### AWARD

*set aside on the ground of ex parte representations.*—Principles connected with the Administration of Justice.]—An award will be set aside, where the judgment of the arbitrator has been influenced by representations made by one of the parties in the absence of the other, respecting a question affecting the interest of such other party, even though the interview took place at the request of the arbitrator, and in the presence of an accountant employed by both parties, and even though the absent party, seeking to set aside the award on that ground, has been guilty of a similar impropriety. For it is a plain principle of justice, that a person adjudicating a matter in litigation, in whatever form it may be litigated,—whether in the regularly constituted courts or in arbitrations,—whether before lawyers or merchants,—must never permit one side to use means of influencing his conduct and decisions, which means are not known to the other side; and one party will not be precluded, by a violation of this rule on his own part, from complaining of a similar violation of the rule by the other side; because this is not a matter of mere private consideration between two adverse parties, but a matter concerning the due administration of justice, in which all persons who may ever chance to be litigant, in courts of justice or before arbitrators, have the strongest interest in maintaining that the principles of justice shall be carefully adhered to in every case. *Harvey v. Shelton*, 7 Beav. 4, 56.

CHARITY—See "*Condition*," "*Mortmain*," "*Vendor and Purchaser*," *Case 5*.

CHARTER-PARTY—See "*Construction*," *Case 1*.

COMPANY—See "*Railway*," "*Trusts*."

#### COMPROMISE

*of a Prosecution for cheating at Cards.*—Promissory notes, delivered by one person to another, to induce the latter to forego prosecuting him for cheating at cards, will be decreed to be delivered up, because it would be extremely dangerous to allow a party to be a judge in his own cause, and to determine in his own favor what amount of penalty ought to be paid for a breach of the law committed by another person, notwithstanding he may have suffered by it. *Osbaldiston v. Simpson*, 13 Sim. 513.

*Invalid Consideration.*—Compromise of a Prosecution.]—An agreement, founded on the consideration of stifling a prosecution for an offence, is void, if the offence is of a public nature; as, where it is not only a case off an assault, but also of riot and obstruction of a public officer in the execution of his duty. *Keir v. Leeman*, 6 Adol. & Ell. 308.

#### CONDITION.

*Condition subsequent divesting in favor of a Charity*—*Condition against a Wife's Sister residing with her.*—

Where a testator devises his real and personal estate, upon trust to lay out the personal estate in the purchase of real estate, and to pay the rents, interest, and dividends to his wife for life, and directs, that, in case the sister of his wife shall reside with, or dwell in the house or place of residence of his wife, or become part of her family, then, for each and every day in which that shall happen, his trustees shall retain, out of the rents, interest, and dividends payable to his wife, a certain sum, and pay the same to a charitable institution; the condition is not illegal, but, being a condition subsequent to divest a vested interest, it ought to be construed strictly; and as the direction to retain, so far as it is intended to operate for the benefit of the charity, is void under the Mortmain Act, it fails altogether. *Ridgway v. Woodhouse*, 7 Beav. 437.

*Whether a Condition annexed to a prior gift extends to a subsequent one.*—Where a testator, in the event of a person for whose life he was entitled to an annuity dying before another person, gives a certain direction to his executors, and then adds, in a distinct sentence, that in the opposite event of the death of such other person in the lifetime of the former, for whose life the testator was entitled to such annuity, he gives such annuity to a certain individual, he paying the premiums on a policy of insurance effected on the life of the person for whose life the testator was entitled to such annuity; and on the death of such last-mentioned person (the assured) the testator gives the sum insured to the same individual to whom the testator gives the annuity, that individual will not be entitled to the policy-money in the first-mentioned event; for the gift of the policy-money was not to take effect on the death of the assured, whensoever it might happen; but the contingency of the event secondly mentioned extends to the gift of the policy-money as well as to the gift of the annuity. *Leckie v. Hogben*, 7 Beav. 502.

See "*Covenant*."

#### CONSTRUCTION.

*Scope of a clause empowering the making of Alterations in a Charter-party.*—Where a charter-party enables the master of the vessel and the agents of the freighter to make such alterations in the charter-party as they may mutually think proper, without prejudice to that agreement, the meaning of this clause is not merely that they may make some small addition to, or deviation from, the voyage specified, such as that the ship may call at intermediate ports; but they are thereby authorised even to enter into an agreement with other persons for an intermediate voyage from the foreign port and back, prior to the homeward voyage from that port contemplated by the charter-party, although to the prejudice of the freighter, in consequence of the delay occasioned thereby. And the freighter is not entitled to have the freight earned by the owners on the intermediate voyage brought into the account. *Wiggins v. Johnston*, 14 Mes. & W. 606.

*Whether a Residue passes, and whether in Trust.*—Where a will contains such a passage as this: "My house I give to my brother, as residuary legatee of my remaining property, for the benefit of his children," he will take the residue as well as the house, in trust for his children. *Inderwick v. Inderwick*, 13 Sim. 652.

*Of the Words "Nearest of Kin."*—Where a testator, after limiting one-half of his property in trust for his daughter and her issue, directs, that, in the event of his daughter pre-deceasing his wife, without marrying or leaving issue, then, during the life of his wife, his trustees shall accumulate the interest of his residue, so far as not directed to be paid to her; and that, on the decease of his wife, the whole residue be divided into two equal parts, one of which shall be divided between or amongst his nearest of kin, and the other half among

the nearest of kin of his wife, who shall have power to apportion the division of the said half as she shall think proper, by any writing to be executed by her in her lifetime; the testator is held to mean the nearest of kin at his death, and not at the death of the wife; and, consequently, if his daughter is his next of kin at the time of his death, and pre-deceases his wife, her personal representative will be entitled to the moiety of the property: for the words "nearest of kin of the testator," in their ordinary legal sense, unexplained and uncontrolled by any other expressions, mean the nearest of kin at the time of his death. And in the above case, in which the will is very inaccurately expressed, there is not enough that can safely be relied on as showing that the testator does not mean his nearest of kin at the time of his death. *Urquhart v. Urquhart*, 13 Sim. 613.

*Whether "Installments" payable for a term constitute "Rent."*—Where a person, seized in fee of land and mines under it, executes a deed, purporting thereby to sell and dispose of, grant and convey, the mines for a long term of years, subject to the payment of a certain sum of money to him, his executors, administrators, and assigns, by large installments, by which the whole sum would be paid in a few years; with powers of entry and distress reserved to him, his executors, administrators, and assigns, for securing payment of such installments; and with a proviso, that, in case of any of the installments being in arrear for a certain time, the term shall cease, and the owner of the land, his heirs, executors, administrators, and assigns, shall not be accountable or compelled to refund or repay any of the installments paid in part of, or towards the purchase-money for the minerals or mines; and the deed contains a covenant enabling the person in whose favor the above term is created to enter upon the lands at a future time, for a term of years, under a certain rent, which, with a power of entry and distress for the same, is reserved to the owner of the land, his heirs and assigns; the installments payable for the mines are not rent, and therefore not incident to the reversion, and do not pass under the words, "the reversion, rents, issues, and profits," but are personal debts. *Lord Hatherton v. Bradburne*, 13 Sim. 599.

*Bequest of "all but Cash or Monies so called" to a Person "and his Family."*—A bequest of "all but cash, or monies so called," to a person "and his family," who are spoken of as living at the date of the will, is a bequest to him and his children then living, as joint tenants, and includes promissory notes, annuities, and foreign bonds. *Beales v. Crisford*, 13 Sim. 592.

*Of an Inclosure Act, as to a Right of Way to carry Coals, &c., from Mines.*—See *Midgley v. Richardson*, 14 Moo. & W. 595.

*Whether after-born Children are intended to take under a Separation-deed.*—Where, by a deed of separation, reciting that the husband and wife intended to live separate during the remainder of their lives, and containing a covenant by the husband not to visit his wife, a sum of money is limited, in trust, after their decease, for all and every the children of the husband on the body of the wife lawfully begotten, who, being sons, shall live to attain twenty-one, or, being daughters, shall attain that age or be married; and there are children living at the date of the deed; a child born after a subsequent reconciliation is not entitled to a share; for it is obvious, from the whole scope of the deed, that the existence of after-born children was not contemplated. *Hulme v. Chitty*, 10 Jur. 323—M. R.

*Meaning of the Word "payable," in a Limitation over.*—Where a testator bequeaths a sum of money in trust for a person for life, and, after his decease, in trust to pay it to his children when and as they shall attain twenty-one; and in case any of them shall die before

his, her, or their shares shall become payable, leaving issue, then the share or shares of him, her, or them so dying shall be paid to his, her, or their respective issue; but in case any of the said children shall die before his, her, or their share or shares shall become payable, leaving no issue, then the share or shares of him, her, or them so dying shall be paid to the survivor and survivor of them, at such time or times as his, her, or their original share or shares shall become payable as aforesaid; but in case the tenant for life shall have no child or children, or, having such, they shall all die under age and without issue, then over; the words "his, her, or their share or shares shall become payable" are equivalent to the words "he, she, or they shall attain twenty-one;" and, consequently, the representatives of a child of the tenant for life, who dies in his father's lifetime without issue, after attaining twenty-one, will take a share. *Jones v. Jones*, 13 Sim. 561.

*Limitation of Personal Estate to the Testator's own right Heirs for ever.*—Where a testator gives his freehold, copyhold, and leasehold estates, and "estates in the funds," to a person and his first and other sons in tail, and, in default of such issue, to his own right heirs for ever; and empowers his trustees, with the consent of the persons in possession and entitled to the profits thereof, to invest the residue and surplus of his personal estate in the purchase of land, to be settled to the uses declared of the lands and premises previously devised, the heir-at-law, and not the next of kin of the testator, is entitled to his personal estate; for it is obvious that he intends the different kinds of property to go to the same person or persons, especially as he directs that the real property to be purchased shall be settled to the uses declared concerning his real estate and premises, which shows that the same set of uses were intended to apply to all the different kinds of property, freehold, copyhold, leasehold, and funded. *De Beauvoir v. De Beauvoir*, 10 Jur. 468—V. C. E.

*Limitation to the Executors, Administrators, and Assigns.*—Under a limitation of a sum of money in the marriage settlement "to the executors, administrators, and assigns" of the wife's mother, the executors of the mother are entitled to take the money and interest as part of her residuary personal estate. *Morris v. How*, 4 Hare, 599.

See "Administration," "Annuity," "Heir," "Legacies."

#### CONVENTION INTEREST

*depending on surviving the prior taker.*—Where a testator gives all his real and personal estate to a person for life, and, after such person's decease, directs his executors to sell and convert the same into money, and to divide and pay the produce to and amongst a class of children; and, in case of the death of any of them in the lifetime of the tenant for life, to pay unto the issue of such child or children, his, her, or their parent's share equally between them; the class to take consists of such children as shall be living at the death of the tenant for life, and the issue of any who shall die in the lifetime of the tenant for life leaving issue, such issue being alive at the death of the tenant for life, and the children who die in the lifetime of the tenant for life, and their issue who die in the lifetime of the tenant for life, are excluded. *Beck v. Barn*, 7 Beav. 403.

See "Vested," "Heir."

CONTRIBUTION—See "Administration."

#### CONVERSION.

*Necessity for converting a Residue.*—Where a testator gives the residue of his property to his wife, after payment of debts and legacies, for her use and benefit



during her life, and at her decease to be given to his children equally; and the residue consists of bond debts, leasehold property, and shares in public companies, the wife is not entitled to enjoy it in specie. *Johnson v. Johnson*, 10 Jur. 279—V. C. B.

So, where a testator gives a residuary estate, in trust for a person for life, and, after the decease of the tenant for life, as to all the said residuary estate, he bequeaths the same to another person; and the residue partly consists of leaseholds which may expire in the life of the tenant for life; he is not entitled to enjoy the leaseholds in specie, although the testator may manifest great anxiety that the tenant for life shall have the full benefit of the income of the residue; for the words show that the remainderman is to take that which is to be enjoyed by the tenant for life; and the leaseholds, if not converted, might expire before the remainder falls into possession. *Chambers v. Chambers*, 10 Jur. 326—V. C. E.

And where a testator, who has no freehold property, bequeaths the rents and profits, dividends and interest, of all the residue of his property to his wife for life; and, after her decease, he bequeaths the whole of such residue amongst certain other persons, even though they be only collateral relations, the widow is not entitled to the enjoyment in specie during her life of that part of the residue which consists of leaseholds and determinable annuities, but the same ought to be converted. For, as the mere enumeration of the particulars of a residue does not give a specific character to the bequest, so the formal enumeration of particulars of income is nothing more than a gift of the income of the residue, which means income only; a construction which is supported by the words of the gift over—"the whole of such residue." Besides, the words "rents and profits" may refer to real estate which the testator might purchase after the date of his will, where the will was made since the new law came into operation. *Pickup v. Atkinson*, 4 Hare, 624.

So, where a testator gives the residue of his monies, debts, stocks, funds, and securities for money, and all other his personal estate, upon trust to permit his wife to take the interest, dividends, and proceeds during her natural life, and after her decease to pay and apply the same in favor of other persons, and the residue of his estate consists of long annuities, the wife is not entitled to enjoy them in specie, but they ought to be converted into money, and this money to be invested in the 3½ per cent. *James v. Gammon*, 15 Law J. 217—V. C. B.

**Necessity for an immediate investment in Land.**—Where a testator gives all his real and personal estate to trustees, upon trust to invest all such monies as shall be uninvested at the time of his decease, and also all the amount of all mortgages, shares, &c., as can be immediately sold without disadvantage, and otherwise as soon as may be, in the purchase of lands, as they shall judge most advantageous and convenient to the estates he already possessed, and to receive the interest, rents, and profits of his real and personal estate, until converted into real property, and pay the same to a person for life; and, upon her death, he gives all his real and personal estate, until converted into real property, to other parties; and the property is not of a perishable or determinable nature; there is no intention that the conversion should be made immediately; for the word "immediately" is connected with the words "without disadvantage," and the words "as soon as may be" with the words "when they shall judge most advantageous and convenient to the estates I already possess." And, in such case, until invested in the purchase of land, the tenant for life is entitled to the enjoyment of the property in specie. *Sparling v. Parkes*, 10 Jur. 448—M. R.

**Notice of an intention to purchase under an Act of Parliament.**—Where a public body are empowered by

act of Parliament to take real estate after six months' notice to the owner, and, after the giving of such notice and payment of the purchase-money into court according to the act, he dies, having made his will before such notice was given, his residuary legatee, and not his devisee, will be entitled to the purchase-money. *Re parts Hunsdon*, 13 Sim. 508.

**With the approbation of the parties interested.**—An equitable conversion of personal estate into real estate arises by force of a direction to invest personal estate in land, notwithstanding such investment is directed to be made with the approbation of the parties interested in the investment. *Wrightson v. Macaulay*, 4 Hare, 487.

**Whether absolute, or dependent on Consent of a prior Testator.**—Where a testator gives all his real and personal estate to trustees, upon trust to permit his wife to enjoy the interest, rents, issues, and profits thereof during her life, or otherwise, with her consent and approbation in writing, to sell and dispose of the real and personal estate, and invest the proceeds, and pay the interest to her for life, and, after her decease, to pay certain legacies and divide the residue of the monies to arise from the sale of his real and personal estate between his nephews and nieces living at the death of his wife; the legatees are entitled to their legacies, and the nephews and nieces to the residuary real and personal estate, whether converted in the widow's lifetime or not. *Waddington v. Yates*, 15 Law J. 223—V. C. B.

See "Executors."

#### COPYHOLD.

**Demise contrary to Custom.**—A lease made contrary to the custom of a manor is good against all but the lord; and, even as between the parties to the lease and the lord, the demise against custom is only a ground of forfeiture, which the lord may waive. *Doe d. Robinson v. Bousfield*, 6 Adol. & Ell. 492.

#### COPYRIGHT.

**Infringement thereof by Extracts.**—Where an author has imported into his book, verbatim, or with slight alterations, the material parts of another work, it is a piracy for which the court will interfere by injunction, although the author expressly acknowledges the source from which those parts are taken, and although his book may not be a complete substitute for the other work. *Bohn v. Bogue*, 10 Jur. 480—V. C. E.

**Concomitant.**—See "Vendor and Purchaser," Case 5.

#### COVENANT.

**Whether a Covenant is to be qualified by preceding words as a Condition precedent.**—Where a person covenants, that he, being provided by the covenantee with certain materials, &c., will complete a work by a given time, and, after some intermediate clauses, a proviso is added, that, in case he shall not complete the work by the time specified, he shall pay (as a fine) a certain sum, not exceeding the sum agreed to be given him for expediting the work, the furnishing him with the materials is not a condition precedent to the right of the covenantee to be paid the amount to be forfeited if the work is not completed in time. Any other construction would lead to the conclusion, that the non-supply of a single article agreed to be provided, however immaterial, would entitle the contractor to receive the sum agreed to be given him for his despatch, without his using expedition; whereas, by treating the covenants as independent, the contractor, if he has really been prevented from completing the work in due time by the neglect of the other party, can obtain full redress, by an action, for all damages occasioned by that neglect. *Macintosh v. The Midland Counties Railway Company*, 14 Mee. & W. 548.

*Joint, and not several.*—A covenant with tenants in common, and each and every of them, their and each and every of their heirs, executors, administrators, and assigns, to repair, is a joint and not a several covenant; so that an action on it must be brought by all the tenants in common, or the survivors or survivor of them. *Bradburne v. Botfield*, 14 Mee. & W. 559.

See "*Railway*," "*Vendor and Purchaser*," *Case 8*.

CUSTOM—See "*Prescription*."

(To be continued).

## Court Papers.

### COMMON-LAW CAUSE LISTS, MICHAELMAS TERM, 1846.

#### Court of Queen's Bench. NEW TRIALS

REMAINING UNDETERMINED AT THE END OF THE SITTINGS AFTER TRINITY TERM, 1846.

##### STANDING FOR JUDGMENT.

Willoughby v. Willoughby  
Brooks v. Bockett  
Same v. Same  
Belcher v. Gummow  
Rogers v. Brenton  
Doe d. Earl of Egremont v. Langdon  
Musgrove v. Emerson  
Hope v. Harman  
Dobson v. Blackmore  
Doe d. Earl of Egremont v. Courtenay  
Bolam v. Shaw  
Doe d. Lord Down v. Thompson  
Same v. Same  
Ford v. Beech  
Doe d. Goody v. Carter

##### EASTER TERM, 1845.

Chester—Doe d. Reg. v. Abp. of York  
York—Phillips v. Brodley  
*Tried during Easter Term, 1845.*

Midd.—Hopkins v. Richardson

##### TRINITY TERM, 1845.

Lond.—Sheringham v. Collins

##### MICHAELMAS TERM, 1845.

Midd.—Reg. v. Thornton  
" Reg. v. Gompertz  
Lond.—Murieta v. Oldfield  
" Nicoll v. Gillan  
Surrey—Doe d. Pennington v. Barrell  
Northamp.—Sutton v. Macquire  
Cardiff—Taylor v. Clay & an.  
" Doe d. Lord v. Kingsbury  
Carmarth—Protheroe v. Jones  
" Chambers v. Thomas  
" Same v. Same  
" Same v. Same  
Cardigan—Doe d. Jenkins v. Davies  
Brecon—Mayberry v. Mansfield  
York—Smith v. Smith  
" Marshall v. Powell  
" Spence v. Meynell  
" Doe d. Norton v. Norton

York—Bainbridge v. Bourne  
" Wilkinson v. Haygarth  
" Same v. Same  
" Bainbridge v. Lax  
Durham—Smith v. Hopper  
" Reed v. Same  
" Hinde v. Raine  
Devon—Mayor of Exeter v. Harvey & an.  
" Damerell v. Protheroe  
" Shank v. Sweetland  
Cornwall—Marshall v. Hicks  
Somerset—Doe d. Earl of Egremont v. Williams  
Bristol—Addison v. Gibson

##### HILARY TERM, 1846.

Midd.—Hunter v. Caldwell  
" Doe d. Tebbutt & ora. v. Brent & ora.  
Lond.—Whyte v. Burnby  
" Bond v. Nurse  
" Turner v. Ambler  
" Reg. v. Kensington  
*Tried during Hilary Term, 1846.*

Midd.—Lovelock v. Franklyn

##### EASTER TERM, 1846.

Midd.—Pemberton v. Vaughan  
" Thompson v. Pettitt  
" Vincent v. Dore  
Lond.—Curtis v. Pugh  
" De Freix v. Littlewood  
" Follett v. M'Andrew  
" Tucker v. Clarkson  
" Reg. v. Parker  
Kent—Doe d. Jacobs v. Phillips  
Sussex—Standon v. Chrismas  
" Kine v. Evershed  
Surrey—Pemberton v. Colls  
" Samuel v. Green  
Durham—Hills v. Mesnard  
York—Mountain v. Groves  
" Worth v. Gresham  
Liverpool—Doe d. Haywood v. Tinsley  
Chester—Johnson v. Oldfield  
" Davis v. Falk  
" Doe d. Groves v. Groves  
Glamorgan—Doe d. Richards v. Evans  
" Doe d. Bennett v. Harry

Carmarth.—Thomas v. Fredrick  
" Same v. Same  
Lincoln—Chapman v. Rawson  
Stafford—Whitmore v. Leak  
Hereford—Evans v. Horniatt  
Gloster—Garbett v. Adams

Gloster—Doe d. Dykes. Dyke Somerset—Parnell v. Smith  
Devon—Woolmer v. Toby

##### TRINITY TERM, 1846.

Midd.—Beale v. Moles & ora.  
Lond.—Nicholls v. Atherstone

### SPECIAL CASES AND DEMURRERS

FOR MICHAELMAS TERM, 1846.

Those marked thus \* are Special cases—the rest are demurrers.

##### STANDING FOR JUDGMENT.

Nicholls v. Stretton  
Wrightup v. Greenacre  
Gosling v. Veley & an.  
Pollitt v. Forest & ora.  
\*Scadding v. Lorant  
\*Dale v. Pollard & ora.

##### FOR ARGUMENT.

Stephenson v. Newman  
\*Flanders v. Bunbury  
Sharpe v. Black  
Bryant & an. v. Holmes  
Herbert v. Booth & ora.  
Newton v. Boodle  
Same v. Rowe and Norman  
\*Cobb v. Allan & an.  
Hutt v. Morrell  
Williams v. Chambers  
Blagg v. Gibson & an.  
Andrewes v. Lord Lyndhurst  
Nicoll v. Orgill  
\*Doe d. Renow v. Ashley

\*Doe d. Hawksworth v. Hawksworth  
Jacks v. Hill  
Berkley v. Kemp  
Berkley v. Mackay  
Myers v. Pickford & ora.  
Gillgras v. Kay  
Bamford v. France  
Tarbottom & an. v. Fleming  
Munden v. Duke of Brunswick  
Doughty v. Bowman & an.  
Upton v. Hemmant  
Simmonds & an. v. Leathan  
Jones & an. v. Smith  
Morris v. Duke of Beaufort  
\*Watling & an. v. Horwood  
Ewbank v. Wood  
Simmonds v. Jervis  
Goddan v. Watts  
Bush v. Weis  
Ramsey v. Mortimer  
Stansfield & an. v. Upton  
Spence & an. v. Chodwick  
Goddard v. Wray

### ENLARGED RULES

FOR MICHAELMAS TERM, 1846.

##### First Day.

Raworth v. King  
Wilton v. Chambers  
Same v. Same  
Same v. Same  
Same v. Same  
Bowen v. Minter  
Stokoe v. Winship

Bushell v. Boord  
Reg. v. The Dean and Chapter of Chester  
Reg. v. The Justices of Ely

##### Second Day.

Reg. v. Harrison & ora.  
Reg. v. Gregory

### London Gazette.

TUESDAY, OCTOBER 20.

#### BANKRUPTS.

HENRY HUGGINS, Oxford, coach maker, Oct. 27 at 2, and Dec. 1 at 12, Court of Bankruptcy, London: Off. As. Pennell; Sols. Brunner, Oxford; Spencer, Verulam-buildings.—Fiat dated Oct. 14.

GEORGE WOOLCOTT the younger and EDWARD WOOLCOTT, Doughty-street, Middlesex, builders, dealers and chapmen, Oct. 26 and Nov. 30 at 11, Court of Bankruptcy, London: Off. As. Graham; Sol. Lettis, Bartlett's buildings, Holborn.—Fiat dated Oct. 12.

DANIEL BASELEY, Bolingbroke-row, Walworth, Surrey, cheesemonger, Oct. 30 at 1, and Nov. 27 at half-past 1, Court of Bankruptcy, London: Off. As. Follett; Sol. Wellborne, 3, Tooley-street, Southwark.—Fiat dated Oct. 13.

WILLIAM MORTON, Cannon-street-road, Commercial-road, Middlesex, draper, dealer and chapman, Oct. 30 at 11, and Dec. 1 at 1, Court of Bankruptcy, London: Off. As. Bell; Sols. Soles & Turner, Aldermanbury.—Fiat dated Oct. 13.

WILLIAM ISAAC BARKER, Sunderland, Durham, auctioneer, stock and share broker, commission agent, dealer and chapman, Oct. 30 at 11, and Nov. 30 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. As. Baker; Sols. Ransom, Sunderland; Dixon & Co., Boswell-court, London.—Fiat dated Sept. 28.

**RICHARD GAUNT**, Ingmanthorpe, Kirk Deighton, Yorkshire, rape dust merchant and farmer, Oct. 31 and Nov. 21 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Kynaston; Sols. Gill, Knaresborough; Bond, Leeds; Walker, Farnival's Inn, London.—Fiat dated Oct. 14.

**JOHN RAWLINSON**, Spalding, Lincolnshire, tailor and draper, Nov. 6 and 27 at 12, District Court of Bankruptcy, Nottingham: Off. Ass. Valpy; Sols. Partridge & Taylor, Birmingham; Edwards, Spalding.—Fiat dated Oct. 6.

**JOHN MEARS**, Bedminster, Bristol, builder, Nov. 5 at half-past 12, and Dec. 1 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sols. Daniels & Co., Bristol.—Fiat dated Oct. 9.

#### MEETINGS.

**John Dailey and Alfred Inskip**, Long-lane, Bermondsey, Surrey, leather manufacturers, Nov. 3 at 11, Court of Bankruptcy, London, last ex.—**Neville Smith, Thomas L. Holt, and John Neale**, Fleet-street, London, printers, Nov. 3 at 12, Court of Bankruptcy, London, last ex.; Nov. 11 at 1, and ac.—**Richard Crompton**, Shrigley, Cheshire, **Moses Price**, Prestolee, Lancashire, and **Timothy Crompton**, Manchester, brick makers, Nov. 3 at 11, District Court of Bankruptcy, Manchester, last ex.—**Walter M'Dowall and Ralph Brown**, Pemberton-row, Gough-square, London, printers, Nov. 10 at 11, Court of Bankruptcy, London, aud. ac.—**Joseph Turner**, Ludgate-hill, London, jeweller, Nov. 10 at half-past 11, Court of Bankruptcy, London, aud. ac.; Nov. 12 at 1, div.—**James Inglish Keightley, Finlay Fergusson, and Wm. Armstrong**, London, merchants, Nov. 11 at 11, Court of Bankruptcy, London, aud. ac.—**Wm. Everett**, Drury-lane, Middlesex, out of business, Nov. 11 at 12, Court of Bankruptcy, London, aud. ac.—**John Douglas Herrick**, Colchester, Essex, grocer, Nov. 11 at 11, Court of Bankruptcy, London, aud. ac.—**Thomas Roberts and John T. Hazard**, College-hill, London, paper agents, Nov. 11 at half-past 11, Court of Bankruptcy, London, aud. ac.—**John Coker**, Narford, Norfolk, timber dealer, Nov. 12 at 11, Court of Bankruptcy, London, aud. ac.—**Eli Soul**, Tabernacle-walk, Finsbury, Middlesex, bookseller, Nov. 11 at half-past 12, Court of Bankruptcy, London, aud. ac.—**Wm. H. Pease, John Robt. Pease, and Wm. H. Thompson**, Ingram-court, Fenchurch-street, and Lime-street, London, wine merchants, Nov. 10 at 11, Court of Bankruptcy, London, aud. ac.—**Charles William Graham**, King's Arms-yard, Coleman-street, London, merchant, Nov. 10 at 12, Court of Bankruptcy, London, aud. ac.—**James Gill**, Liverpool, wine merchant, Nov. 10 at 11, District Court of Bankruptcy, Liverpool, aud. ac.; Nov. 11 at 11, div.—**Benj. Fenwick**, Newcastle-upon-Tyne, linendraper, Nov. 11 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; Nov. 13 at 11, div.—**Robt. Baxter**, Sheffield, Yorkshire, merchant, Nov. 13 at 11, Town-hall, Sheffield, aud. ac. and div.—**F. Davis**, Weymouth and Melcombe Regis, Dorsetshire, wine merchant, Nov. 17 at 11, District Court of Bankruptcy, Exeter, aud. ac.—**W. Thurnell**, Leadenhall-street, London, and Great Windmill-street, Coventry-st., Piccadilly, Middlesex, upholsterer, Nov. 12 at half-past 1, Court of Bankruptcy, London, div.—**Rich. Tebay**, Winchester, Southamptonshire, plumber, Nov. 12 at 2, Court of Bankruptcy, London, div.—**Wm. Brydon**, Abchurch-lane, London, wholesale druggist, Nov. 10 at 11, Court of Bankruptcy, London, div.—**Wm. Griffin**, Cornhill, London, jeweller, Nov. 10 at half-past 11, Court of Bankruptcy, London, div.—**Arthur Matthews**, Robertsbridge, Salehurst, Sussex, apothecary, Nov. 10 at 12, Court of Bankruptcy, London, div.—**Wm. Claude Carter**, Ashford, Kent, druggist, Nov. 10 at half-past 12, Court of Bankruptcy, London, div.—**Opie Staitte**, Wood-street, Cheapside, London, lace warehouseman, Nov. 10 at half-past 1, Court of Bankruptcy, London, div.—**Rich. Knight and Alfred Knight** the younger, Budge-row, London, wholesale stationers, Nov. 12 at 11, Court of Bankruptcy, London, div.—**Wm. Vickers**, Carter-street, Walworth-road, Surrey, bill broker, Nov. 10 at 1, Court of Bankruptcy, London, div.—**Wm. Fordyce**, Newcastle-upon-Tyne, bookseller, Nov. 13 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne, fin. div.—**Jas. Reid**, Newcastle-upon-Tyne, ship broker, Nov. 13 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on the Day of Meeting.*

**Francis Barber Kettle**, Brighton, Sussex, horse dealer, Nov.

10 at 11, Court of Bankruptcy, London.—**John Grant**, Woolwich, Kent, printer, Nov. 10 at 1, Court of Bankruptcy, London.—**Baw. Wedgwood Phillips**, Bishopsgate-street, London, dealer in glass, Nov. 10 at 12, Court of Bankruptcy, London.—**Wm. Giles**, Brighton, Sussex, boarding-house keeper, Nov. 10 at 11, Court of Bankruptcy, London.—**William Pennell**, High-street, Poplar, Middlesex, grocer, Nov. 10 at half-past 12, Court of Bankruptcy, London.—**Walter M'Dowall and R. Brown**, Pemberton-row, Gough-square, London, printers, Nov. 10 at 11, Court of Bankruptcy, London.—**Thos. Rice Hart**, Lea-bridge, Essex, victualler, Nov. 10 at 2, Court of Bankruptcy, London.—**E. Boas Smith**, Scarborough, Yorkshire, timber merchant, Nov. 13 at 11, District Court of Bankruptcy, Leeds.—**Wm. Menzies**, Gloucester, draper, Nov. 12 at 11, District Court of Bankruptcy, Bristol.—**Christopher Davis**, Chepstow, Monmouthshire, carrier, Nov. 13 at 12, District Court of Bankruptcy, Bristol.—**C. Dickenson Johnson**, Liverpool, victualler, Nov. 10 at 11, District Court of Bankruptcy, Liverpool.—**Edward Mundy**, Liverpool, commission agent, Nov. 12 at 11, District Court of Bankruptcy, Liverpool.—**Benj. Fenwick**, Newcastle-upon-Tyne, linendraper, Nov. 13 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne.—**Benj. Carrey Sothorn**, Liverpool, coal dealer, Nov. 12 at 11, District Court of Bankruptcy, Liverpool.—**Robert Kirkpatrick**, Manchester, iron founder, Nov. 12 at 12, District Court of Bankruptcy, Manchester.—**Mich. Shackleton**, Manchester, printer, Nov. 11 at 11, District Court of Bankruptcy, Manchester.—**Sam. Reading**, Birmingham, button maker, Nov. 14 at half-past 12, District Court of Bankruptcy, Birmingham.—**John Lead**, Wellington, Shropshire, innkeeper, Nov. 24 at 11, District Court of Bankruptcy, Birmingham.—**John Russell**, Kidderminster, Worcestershire, coal dealer, Nov. 10 at 10, District Court of Bankruptcy, Birmingham.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Nov. 10.*

**Chas. Ains**, Newport, Isle of Wight, Southampton, innkeeper.—**Frederick C. Gray**, Melicent-cottages, Forest-row, Dalston, Middlesex, lodging-house keeper.—**Thomas Court**, Brighton, Sussex, shoemaker.—**Wm. Bradshaw**, Gretton, near Rockingham, Northamptonshire, cattle salesman.—**Rob. Bone**, Durham, grocer.—**Edw. Brailsford**, Brighton, Sussex, music seller.—**Rich. Pennell**, Aldermanbury Postern, London, yarn merchant.—**Prescott Corless**, Wigan, Lancashire, grocer.—**Thos. I. Rayner**, Birstal, Yorkshire, apothecary.—**Francis H. Church**, Southampton, surgeon.—**Wm. Kirby**, Liverpool, hotel keeper.—**Wm. Lowmgen**, Liverpool, wine merchant.—**Thos. P. Derham**, Bristol, linendraper.—**Thomas B. Waller and John Waller**, Ipswich, Suffolk, grocers.—**James Evans**, Bristol, and Weston-super-Mare, Somersetshire, silk mercer.—**Wm. Wonnacott**, Bath, Somersetshire, grocer.—**John C. Hill**, Reading, Berkshire, grocer.—**John Parsons**, Wolverhampton, Staffordshire, edge tool manufacturer.

#### PARTNERSHIP DISSOLVED.

**Chas. Brunton and Fred. Whiting**, New-inn, Strand, Middlesex, attorneys and solicitors.

#### SCOTCH SEQUESTRATIONS.

**Wm. Frater**, Edinburgh.—**John Macleod**, Dunbeath, Latheron, Caithness-shire, merchant.—**William Bisset & Son**, Aberdeen, wholesale merchants.—**Wm. Elven**, Coatbridge, Lanarkshire, cabinet maker.—**Dav. Dalglisli**, Glasgow, adjuster of averages.

#### INSOLVENT DEBTOR

*Who has filed his Petition in the Court of Bankruptcy, and has obtained an Interim Order for Protection from Process.*

**John Keep**, Nottingham, out of business, Nov. 13 at half-past 11, District Court of Bankruptcy, Nottingham.

*Saturday, Oct. 17.*

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's Inn-fields, on giving the Number of the Case.*

**Jas. Bayley**, Bristol, victualler, No. 4186 C.; **John Tilley**, assignee.—**Wm. S. Alderton**, Chancery-lane, London, steel pen manufacturer, No. 58,316 T.; **Edward Cox**, assignee.—**Robert Hutton**, Highgate, Middlesex, merchant, No. 58,384 T.; **William Elsam**, assignee.—**William Woods**, Holiday-yard, Creed-lane, Ludgate-hill, London, No. 58,464 T.; **James Smith and Henry Kennett**, assignees.—**Harriet Pil-**

aler, Bath-street, City-road, Middlesex, cheesemonger, No. 39, 337 T.; John C. Bates, assignee.

Saturday, Oct. 17.

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*  
(On their own Petitions).

Walter Watson, Liverpool, timber merchant: in the Gaol of Lancaster.—*Hen. Robinson*, Burnley, Lancashire, general dealer: in the Gaol of Lancaster.—*Jas. Preston*, Salford, Lancashire, print block maker: in the Gaol of Lancaster.—*Wm. Lefthoes*, Hulme, Manchester, police constable: in the Gaol of Lancaster.—*Joe. Ray*, Chester, whitewash: in the Gaol of Chester.—*Robert Hanks*, Chorlton-upon-Medlock, Manchester, porter: in the Gaol of Lancaster.—*Theo. Gould*, Hulme, Manchester, out of business: in the Gaol of Lancaster.—*Wm. Fox*, Hulme, Manchester, beer seller: in the Gaol of Lancaster.—*John Dobson*, Rochdale, Lancashire, husbandman: in the Gaol of Lancaster.—*Daniel Cronin*, Much Woolton, near Liverpool, doctor of medicine: in the Gaol of Lancaster.—*Geo. Buxton*, Deansgate, Manchester, out of business: in the Gaol of Lancaster.—*John Jackson*, Ardwick, Manchester, salesman to a draper: in the Gaol of Lancaster.—*W. Rainford*, Blackburn, Lancashire, retail dealer in ale: in the Gaol of Lancaster.

The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Tuesday, Nov. 3, at 9.

*James Taylor*, Finsbury-terrace, St. Luke's, Middlesex, dealer in French jewellery.—*Joe. Simon Legge*, Margate, Kent, grocer.—*James Bush*, Little William-st., Caledonian-road, Islington, Middlesex, carpenter.—*Wm. Clark* the elder, Dan's-buildings, East-st., Walworth, Surrey, out of business.—*Hugh Boyle*, Egham, Surrey, brewer.—*Theo. Clark*, Lay-chall-st., Limespond-st., Gray's-inn-lane, Middlesex, out of business.—*Geo. Cannon*, Millfield-place, Green-lanes, Stoke Newington-green, Middlesex, builder.—*John Cunn*, Skinner's-place, Lundenhall-market, London, eating-house keeper.

Nov. 4, at the same hour and place.

*George Denton*, Foley-st., Great Portland-place, Mary-le-bone, Middlesex, upholsterer.—*John Eden Quintin*, Barr-st., St. Katherine's, near the Tower of London, Middlesex, clerk in the Harwich Railway Company.—*Lucy Hilton*, East Acton, Middlesex, following no business.—*Gabriel Justin Giraud*, Church-st., Kensington, and Dean-st., Soho, Middlesex, following no trade.—*Stephen Fry*, Collier-st., Pentonville, Middlesex, furniture commission agent.—*Ed. Heath*, Marston-st., Somers'-town, Middlesex, tobacco-pipe maker.—*Thomas Devereux*, Eldon-st., Finsbury, Middlesex, French polisher.—*Robert Johnston*, Old-st., St. Luke's, Middlesex, commission agent.

Nov. 5, at the same hour and place.

*James Scott*, Tabernacle-walk, Finsbury, Middlesex, out of business.

Meat-hall, NEWCASTLE-UPON-TYNE, Northumberland,  
Nov. 4 at 10.

*John Davidson*, Blyth, joiner.—*Edward Allison*, Alnwick, grocer.—*Matthew Cook*, North Shields, master of the steamboat Ranger.—*John Robinson*, Allendale, farmer.

Court-house, NEWCASTLE-UPON-TYNE, Northumberland,  
Nov. 4 at 10.

*David Vinycomb*, Newcastle-upon-Tyne, out of business.

Court-house, PRESTON, Lancashire, Nov. 4 at 10.

*Thomas Deacle*, Bwch-farm, Llananno, farmer.

Court-house, HUNTINGDON, (County), Nov. 4 at 10.

*Wm. Elmore*, Bluntham, labourer.

Court-house, HANBROOK, (County), Nov. 5 at 10.

*Geo. Adams*, Hereford, superintendent of police.—*William Taylor*, Hereford, cabinet carver.—*John Beane*, Crickley, out of business.—*James Prier*, Pencoyd, farmer.

## FRIDAY, OCT. 23.

### BANKRUPTS.

**JAMES PLUMLEY**, Reading, Berkshire, stone mason and builder, dealer and chapman, Oct. 30 and Dec. 4 at 11, Court of Bankruptcy, London: Off. Ass. Belcher; Sol. Mansley, 13, Bedford-st., Covent-garden.—Fiat dated Oct. 28.

**GEORGE ROBOOTHAM**, Lane-end, Staffordshire, carrier, Nov. 10 at 12, and Dec. 1 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sol. Catlow, Cheddle; Ingleby & Co., Birmingham.—Fiat dated Sept. 15.

**ROBERT WILLIAMS**, Manchester, publican, dealer and chapman, Nov. 6 at 11, and Nov. 26 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sol. Barlow, Manchester; Makinson & Sanders, 3, Elm-court, Temple, London.—Fiat dated Oct. 19.

### MEETINGS.

*John Farmer*, Brampton Bryan, Herefordshire, dealer in cattle, Nov. 4 at 12, District Court of Bankruptcy, Birmingham, ch. ass.—*John Pownall*, Manchester, inkman, Nov. 5 at 11, District Court of Bankruptcy, Manchester, ch. ass.—*Henry Copner*, Ludlow, Shropshire, mercer, Nov. 5 at 11, District Court of Bankruptcy, Manchester, last ex.—*John Myrtle*, Brighton, Sussex, butcher, Nov. 14 at 11, Court of Bankruptcy, London, and. ac.—*Thomas Brown* and *Donald Brown*, Billiter-st., London, ship agents, Nov. 17 at half-past 11, Court of Bankruptcy, London, and. ac.—*Peter Barry*, Manchester, calico printer, Nov. 16 at 11, District Court of Bankruptcy, Manchester, and. ac.; Nov. 17 at 11, div.—*John Smith Chadwick*, Manchester, calico printer, Nov. 16 at 12, District Court of Bankruptcy, Manchester, and. ac.; Nov. 17 at 12, div.—*Jas. Waterhouse*, Salford, and *Robert Sutton*, Cheetham, Manchester, calico printers, Nov. 17 at 11, District Court of Bankruptcy, Manchester, and. ac.; Nov. 18 at 11, div.—*Theo. Evans Jones*, Knightsbridge-terrace, Knightsbridge, Middlesex, hawndraper, Nov. 13 at half-past 12, Court of Bankruptcy, London, div.—*Affred Reed* and *Samuel John Powell*, Tottenham-court-road, Middlesex, ironmongers, Nov. 13 at 1, Court of Bankruptcy, London, div.—*Affred Barley*, March, Cambridgeshire, draper, Nov. 13 at 11, Court of Bankruptcy, London, div.—*George Swaine Whitechurch*, Fleet-st., London, hoiser, Nov. 13 at half-past 11, Court of Bankruptcy, London, div.—*Walter M'Donnell* and *Ralph Brown*, Pemberton-row, Gough-square, London, printers, Nov. 13 at half-past 1, Court of Bankruptcy, London, div. joint and sep. est.—*Frederick Belloni*, Shaftesbury, Dorsetshire, clock maker, Nov. 13 at half-past 1, Court of Bankruptcy, London, div.—*Robert Sheel*, Walsall-st., Somers'-town, Middlesex, grocer, Nov. 16 at half-past 1, Court of Bankruptcy, London, div.—*Rob. Hayward Best*, Great Yarmouth, Norfolk, wine merchant, Nov. 16 at 1, Court of Bankruptcy, London, div.—*Edmund Burke Kilpin*, Ryde, Isle of Wight, Southampton, jeweller, Nov. 16 at half-past 12, Court of Bankruptcy, London, and. ac.—*J. Bury Crumpers*, Wharf-road, City-basin, City-road, Middlesex, coal merchant, Nov. 17 at 12, Court of Bankruptcy, London, div.—*Joe. Geo. Todman*, Gray's-inn-lane, Middlesex, licensed victualler, Nov. 17 at 2, Court of Bankruptcy, London, div.—*John Law*, Ramsden-wood, near Todmorden, and *Eli Hudson*, Gale, near Littleborough, Lancashire, cotton spinners, Nov. 14 at 12, District Court of Bankruptcy, Manchester, fin. div.

### CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

*John Pace*, St. Michael's-alley, Cornhill, London, general merchant, Nov. 17 at 11, Court of Bankruptcy, London.—*Rich. More*, Norwich, coal merchant, Nov. 16 at 12, Court of Bankruptcy, London.—*Edward Osley* the younger, King's Lynn, Norfolk, hatter, Nov. 17 at half-past 1, Court of Bankruptcy, London.—*Peter M'Shane*, Dundalk, Louth, Ireland, cattle dealer, Nov. 13 at 12, District Court of Bankruptcy, Liverpool.—*Wm. Bellenger*, Swansea, Glamorganshire, maltster, Nov. 17 at 11, District Court of Bankruptcy, Bristol.—*Jas. Jay Bos*, Redruth, Cornwall, baker, Nov. 17 at 11, District Court of Bankruptcy, Exeter.—*John Caine*, Chilton Cantelo, Somersetshire, corn dealer, Nov. 17 at 11, District Court of Bankruptcy, Exeter.—*James Ward*, Birmingham, dealer in glass, Nov. 14 at 11, District Court of Bankruptcy, Birmingham.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Nov. 13.

*Anthony Nichol*, Newcastle-upon-Tyne, ship broker.—*J. Tuddenham*, Pickering-place, Baywater, Middlesex, builder.—*John D. Peine*, Hatcham, Surrey, publisher, and *Duke-st.*, Westminster, Middlesex, copper-plate printer.

## SCOTCH SEQUESTRATIONS.

*Jas. Cuthbertson*, Hutchesontown, Glasgow, grocer.—*A. F. Allen*, East Pilton, near Edinburgh, farmer.—*A. Smith*, Larniston, Glasgow, baker.—*Archibald Black*, Glasgow, warehouseman.—*Rob. Laing*, New Abbey, Stewartry, Kirkcubright, commission agent.

## DECLARATION OF INSOLVENCY.

*Samuel Stephens Chedditch*, Brewood, Staffordshire, schoolmaster.

## INSOLVENT DEBTORS

*We have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Charles E. Manson*, Windsor-place, City-road, Middlesex, gentleman, Oct. 29 at 2, Court of Bankruptcy, London.—*Jas. Bishop*, Nicholas-lane, London, machine ruler, Nov. 10 at 2, Court of Bankruptcy, London.—*David Godesmark*, Connaught-place, Loughborough-road, North Bampton, Surrey, murrain, Nov. 8 at half-past 12, Court of Bankruptcy, London.—*John Stott*, Reddale, Lancashire, woollen waste dealer, Nov. 3 at 11, District Court of Bankruptcy, Manchester.—*Robert Margerison*, Salford, Chesterfield, Derbyshire, shoemaker, Oct. 27 at 12, District Court of Bankruptcy, Manchester.—*Jas. Barber*, Hulme, Manchester, out of business, Oct. 30 at 12, District Court of Bankruptcy, Manchester.—*Agar Robson*, Richmond, Yorkshire, coffin printer, Nov. 6 at 11, District Court of Bankruptcy, Leeds.—*Jas. Worsley*, Haslingden, Lancashire, cotton sheet manufacturer, Oct. 27 at 12, District Court of Bankruptcy, Manchester.—*Theo. Howard*, Bristol, debt collector, Oct. 29 at 11, District Court of Bankruptcy, Bristol.—*Rich. Williams*, Church Stretton, Shropshire, joiner, Oct. 31 at 10, District Court of Bankruptcy, Birmingham.—*Wm. Burke*, Liverpool, licensed victualler, Oct. 30 at 11, District Court of Bankruptcy, Liverpool.—*Samuel Sowy*, Wakefield, Yorkshire, tailor, Nov. 6 at 11, District Court of Bankruptcy, Leeds.—*John Garlick*, Mattham, Yorkshire, out of business, Nov. 8 at 11, District Court of Bankruptcy, Leeds.—*Mary Wilks*, Kingston-upon-Hull, draper, Nov. 4 at 10, Mansion-house, Hull.—*John Dewey*, Sculcoates, Kingston-upon-Hull, out of business, Nov. 4 at 10, Mansion-house, Hull.—*Wm. Knight*, Burdcan Woodside, East Dean, Gloucestershire, in no business, Oct. 29 at half-past 11, District Court of Bankruptcy, Bristol.—*Isaac Alf. Fleming*, Liverpool, commission agent, Oct. 30 at 11, District Court of Bankruptcy, Liverpool.—*John Morgan*, Liverpool, dealer in cloths, Oct. 30 at 12, District Court of Bankruptcy, Liverpool.

*Wednesday, Oct. 21.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Wm. Spriggins*, Waterloo-terrace, Commercial-road East, Middlesex, tobacconist: in the Queen's Prison.—*John Allen*, Stacey-terrace, New Peckham, Old Kent-road, Surrey, commission agent to a brewer: in the Debtors Prison for London and Middlesex.—*John Wm. Smyth*, Northampton-square, Clerkenwell, Middlesex, clerk: in the Queen's Prison.—*Benj. Benjamin*, Upper Whitecross-st., St. Luke's, Middlesex, cut-dresser: in the Debtors Prison for London and Middlesex.—*Ann Eliza Peckover*, King-st., Portman-sq., Middlesex, upholsterer: in the Debtors Prison for London and Middlesex.—*Wm. Burchell*, Old Brentford, Middlesex, carmen: in the Debtors Prison for London and Middlesex.

*(On Creditor's Petition).*

*John E. Stewart*, City-road, Old-st., Middlesex, portrait painter: in the Debtors Prison for London and Middlesex.

*(On their own Petitions).*

*Jos. Pilkington*, Barrowford, near Colne, Lancashire, grocer: in the Gaol of Lancaster.—*Theo. Dent*, Manchester, joiner: in the Gaol of Lancaster.—*Robert Turner*, Chester, mess master of 90th regiment of light infantry: in the Gaol of Chester.—*Wm. Clewer*, Hambledon, Southampton, out of business: in the Gaol of Winchester.—*Christopher Chown*, Alphonington, Devonshire, out of business: in the Gaol of St. Thomas the Apostle.—*James Smith*, Gloucester, blacksmith: in the Gaol of Gloucester.—*James Sherrick* the younger, Blackburn, Lancashire, agent for the sale of coals: in the Gaol of Lancaster.—*Isaac Adkin*, Godling, Nottinghamshire, following no business: in the Gaol of Radford Peverel.—*Geo.*

*Ley*, Nottingham, cooper: in the Gaol of Radford Peverel.—*Richard Hodgkinson Dixon* the younger, Tyldesley-bank, near Bolton-le-Moors, Lancashire, picker maker: in the Gaol of Lancaster.—*Theo. Darley Armitage*, Great Grimsby, Lincolnshire, out of business: in the Gaol of Lincoln.—*Edward Mercer* and *John Mercer*, Blackburn, Lancashire, hand-loom weavers: in the Gaol of Lancaster.—*Wm. Jackson*, Manchester, out of business: in the Gaol of Lancaster.—*Theo. Poynter*, Newport Pagnell, Buckinghamshire, shoemaker: in the Gaol of Aylesbury.—*Edmund Campbell Pilling*, Blackburn, Lancashire, out of business: in the Gaol of Lancaster.—*Abraham Rowley*, Manchester, wood turner: in the Gaol of Lancaster.—*Charles Vaughan*, Wernworth, Llanodde, Carmarthenshire, farmer: in the Gaol of Carmarthen.

*The following Prisoners are ordered to be brought before a Commissioner on Circuit:—*

*Court-house, Dover, Kent, Nov. 3 at 10.*

*George F. Webb*, Margate, Kent, out of business.—*John Munn*, Margate, Kent, carpenter.

*Court-house, Banbury, Buckinghamshire, Nov. 7 at 10.*

*John James*, Hay, net maker.

*Court-house, Carmarthen, (County), Nov. 9 at 10.*

*L. Lewis*, Pontybeald, Couvil Elak, gentleman farmer.—*Theo. Daniel*, Swansea, Glamorganshire, contractor.—*Chas. Vaughan*, Wernworth, Llanodde, farmer.

*Court-house, Lincoln, (County), Nov. 9 at 10.*

*S. Hill*, Tetford, near Horncastle, agricultural labourer.—*Sarah Lowe*, Munny, near Alford, in no business.—*Thomas R. Armitage*, Great Grimsby, out of business.

*Court-house, Maidstone, Kent, Nov. 9 at 10.*

*Adjourned.*

*Josiah Roberts*, Tonbridge, night porter in the service of the South-eastern Railway Company.

*INSOLVENT DEBTOR'S DIVISION.*

*The Rev. John Bolton*, Warrington, at Wight's, 25, Percy-st., Bedford-square, London: 1s. 1½d. in the pound, (in addition to a former div. of 4s. 2d.).

Her Majesty has been pleased to make the following appointments:—*Henry Edward Sharpe*, Esq., to be Chief Justice for the Island of St. Vincent; and *John Seely*, Esq., to be her Majesty's Attorney-General for the Island of Barbados.

The Right Hon. Sir Thomas Wilde, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas, has appointed *Thomas Waters*, of the city of Winchester, Gent., to be one of the Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women, in and for the city of Winchester, also in and for the county of Hants.

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# The Jurist

No. 512—VOL. X.

OCTOBER 31, 1846.

PRICE 1s.

\* \* The following are the Names of the Gentlemen who favour THE JURIST with Reports of Cases argued and decided in the several Courts of Law and Equity:—

House of Lords .....	{ A. GORDON, Esq. of the Inner Temple, Barrister at Law.	Vice-Chancellor Wigram's Court .....	{ F. FISHER, Esq. of Lincoln's Inn, Barrister at Law.
Privy Council .....	{ TENISON EDWARDS, Esq. of the Inner Temple, Barrister at Law.	Court of Queen's Bench .....	{ G. J. P. SMITH, Esq. of the Inner Temple, Barrister at Law.
The Lord Chancellor's Court .....	{ A. GORDON, Esq. of the Inner Temple, Barrister at Law.	Queen's Bench Bail Court .....	{ A. V. KIRWAN, Esq. of Gray's Inn, Barrister at Law.
Master of the Rolls Court .....	{ G. Y. ROBSON, Esq. of the Inner Temple, Barrister at Law.	Court of Common Pleas, including Appeals under Registration of Voters Act. ....	{ D. POWER, Esq. of Lincoln's Inn; and W. PATTERSON, Esq. of Gray's Inn, Barristers at Law.
Vice-Chancellor of England's Court .....	{ TENISON EDWARDS, Esq. of the Inner Temple, and CHARLES MARBTT, Esq. of the Inner Temple, Barristers at Law.	Court of Exchequer ....	{ W. M. BEST, Esq. of Gray's Inn, Barrister at Law.
Vice-Chancellor Knight Bruce's Court. ....	{ W. W. COOPER, Esq. of the Inner Temple, Barrister at Law.	Ecclesiastical and Admiralty Courts .....	{ J. P. DEANE, D.C.L. of Doctors Commons.
		Court of Review .....	{ W. W. COOPER, Esq. of the Inner Temple, Barrister at Law.

LONDON, OCTOBER 31, 1846.

In another part of this Journal will be found the reply of the author of the original comments upon the case of *Browne v. Houghton* (see ante, p. 414) to the papers printed on this subject in our last Number, (ante, p. 426). The importance of the point absolves us from the necessity of making any apology to our readers for giving to the discussion of it so much space in THE JURIST.

We observe that our correspondent X. considers the arguments contained in the communication printed in our last Number as defeating themselves, on the ground that the trust for accumulation in *Browne v. Houghton* did not, in terms, suspend the vesting of the accumulated fund itself, but directed that the accumulations should from time to time be laid out in the purchase of real estates, to be settled to the same uses as the estates devised. Now, it appears to us that this makes no difference whatever. The primary direction under the trusts for accumulation in *Browne v. Houghton* was, to accumulate, and invest the rents. The ultimate destination of the accumulated fund was intended, it is true, to be an investment in the purchase of lands, to be settled to the same uses as the lands devised. But we do not see how that prevents the invalid suspension of the vesting of the accumulating fund. A direction to invest the accumulations in the purchase of land could, of course, only operate upon the accumulations actually made. Suppose a succession of minorities, the estate in the land vesting, but not being capable of actual alienation for a period exceeding the period of twenty-one years after the expiration of lives in being. Now, it is declared by the trust itself, that, so long as there is not a cessation of minorities, there shall be accumulation. The direction to invest in lands to be settled to the same uses as the devised lands, has nothing to operate upon until

an accumulated fund exists; and the accumulation is to go on by increments, some of which are, of necessity, by the terms of the trusts, not to arise till after the prohibited period. In other words, if the trust could take effect, there would be always, up to the last moment of the last minority, some portion of rents remaining to be accumulated. It follows that the direction to invest in land does not at all prevent the effect of the declaration of trusts for accumulation being, to suspend the vesting of the accumulated fund beyond the period allowed by law.

It is argued, that such trusts as those in *Browne v. Houghton* are analogous to the usual name-and-arms clause, or the usual shifting clause upon the accession of a particular estate to a tenant in tail. But it is forgotten, that, in provisos such as those referred to, there is never any term inconsistent with their destructibility upon the vesting of the estate tail. They may, it is true, actually subsist longer than the period allowed by the rule of perpetuity, because the estate to which they are attached is not destroyed. But they never are made, in the very terms of their creation, to be dependent for their destructibility upon some event unconnected with the vesting of the estate.

In this, we apprehend, it is, that they are distinguishable from such trusts as those in *Browne v. Houghton*, which, whether they are precedent or subsequent to the estate tail, are severed from the estate in the land; do not necessarily vest upon the estate vesting; and are expressly made to depend for their vesting, upon events which may postpone that vesting long after the vesting of the estate in the land.

Our correspondent X. refers also to powers of leasing, powers of sale, and the like; and, observing that "every one of these provisions, in its ordinary terms, extends and applies to all the successors to the estates, without limit or restriction," asks whether any one



doubts the validity of a lease granted under a power given immediately to the guardians of the infant possessor for the time being under an entail? or whether a title is rejected which depends upon a power of sale exercisable by trustees, without consent or other restriction, and collateral to a strict settlement? The answer is, certainly not. But the addition to the answer is,—none of such powers attempt to affect the vesting of the estate. The one merely purports to carve out of it a limited interest consistent with the title of the owner; and the other to change the quality of the estate. But neither power, as we have observed, attempts to prevent its vesting, or the enjoyment of its fruits. If, indeed, a power of sale during minorities were given, with a direction that the produce of the sale should be held in trust, and accumulated, and to vest only in the first person, who would have been tenant in tail of the land, and have attained twenty-one; that, indeed, would, we apprehend, be a power constructed on the same principle as the trusts in *Broune v. Houghton*, and bad. But it appears to us that it is quite an inaccurate reasoning, which confounds powers or trusts annexed to a series of limitations in tail, and consistent with the vesting and enjoyment of the estate, with powers or trusts that cannot take effect without absorbing, and withholding from the owner in whom the estate has vested, the enjoyment of the rents of that estate.

It is to be observed, moreover, that it is not, in reality, correct to say that the trusts in *Broune v. Houghton* follow the estate tail, and are, therefore, destructible ab initio. That may be true of the second, third, and others of the series of trusts; but it is not true of the first trust, which, in fact, does of necessity precede and overrule the first estate of inheritance, if it has any existence at all; since it is limited not to cease till the period when the first tenant in tail shall have power to bar the entail. How can the power of the tenant in tail to bar all remainders and limitations in defeasance of his estate be called in aid to shew that an accumulation is good, which would only be good, if he could stop it, before, by the very terms of the trust and the very nature of his own estate, he has any power to stop it? Clearly, such a trust is precedent in fact, wherever the proviso that creates it may be placed in the instrument.

### Correspondence.

#### THE CASE OF *BROUNE v. HOUGHTON*. (10 Jur., Part 1, p. 747).

TO THE EDITOR OF "THE JURIST."

Sir,—Were it not disrespectful towards your correspondent C. S. D., I should simply observe, in reference to his argument contained in your Number for Saturday last, that it furnished its own answer.

C. S. D. states, that *Southampton v. Hartford* and *Broune v. Houghton* are "in perfect harmony with each other," on the ground that the true principle of both decisions was, that the vesting of the accumulated fund was intended to be suspended for an indefinite period. I admit this most readily, as regards *Southampton v. Hartford*, but as respects *Broune v. Houghton*, it is strange your correspondent has not observed, that the circumstances of that case not only failed to supply any

such ground, but were entirely of a contrary description. For, in *Broune v. Houghton*, the fund was not given indefinitely to the first possessor of the estate who should attain twenty-one, but was directed to be from time to time laid out in purchases of real estate, to be settled to the like uses as the estates devised. Was there any invalid suspense in the vesting of the fund here? Obviously not; for otherwise the very limitations of the estate themselves must have been too remote and void. The limitations being valid, the trusts of the accumulations, which are referential thereto, must be valid also. It follows, consequently, that the only ground for impeaching the validity of the accumulation clause was the *indefiniteness of the events* contemplated by it. Clearly, this would have been a sufficient objection, unless met by some other circumstance arising upon the will. Such a safeguard, I assert, was, in fact, supplied by the circumstance, that the clause (inasmuch as it did not override the estates tail) was destructible ab initio. And hence arises the clear distinction between the two cases; there being no power of destroying the trust for accumulation in *Southampton v. Hartford*, because the term which secured the trust preceded the estates tail, and was, therefore, placed beyond all possibility of annihilation, so far as regarded the power conferred by the settlement.

I have assumed, for argument's sake, the correctness of your correspondent's premises, deeming it sufficient to prove, that, even upon his own shewing, the conclusion is untenable. But I beg to observe, that, to my mind, every part of his argument is open to equal, if not graver objection, as wholly at variance with settled principles of law. But, Sir, there is neither time nor space for the discussion of abstract points.

Let me only further observe, that the decision in *Broune v. Houghton*, if correct, completely upsets nine-tenths of the settlements and wills of realty which have been prepared in Lincoln's Inn within twenty years past. Not only is the clause of accumulation in question the usual one in these cases, but various other provisions forming part of the machinery of strict settlements are, with that clause, either valid or invalid, as standing upon the same footing. Thus, the usual name-and-arms clause, and that for shifting particular estates upon the accession of others,—nay, even the ordinary powers of leasing, sale, and exchange,—must stand or fall with the clause of accumulation in *Broune v. Houghton*. Every one of these provisions, in their ordinary terms, extends and applies to all the successors to the estates, without limit or restriction. I am aware, that sometimes the powers have been confined to tenants in tail entitled by purchase, but the restriction is an antiquated remnant of timid and obscure notions. Let this be the test,—does any one ever see, at the present day, shifting clauses engrafted upon strict settlements expressly limited to the period of lives in being, and twenty-one years? Does any one doubt the validity of a lease granted under a power given indefinitely to the guardians of the infant possessor for the time being, under an entail? Is a title rejected which depends upon a power of sale exercisable by trustees, without consent or other restriction, and collateral to a strict settlement? And wherein consists the distinction, in point of principle and substance, between a proviso for accumulation of rents during minorities (with a view to the purchase of other estates) and a proviso entirely shifting the property from the parties entitled under the settlement, at any time, upon the happening of a given event? Clearly, all these portions of settlements and wills are good or bad together; and that they are valid there can be no doubt, upon the simple and sufficient ground of their being (as an incident of their very existence) capable of destruction.

It is lamentable, Sir, to witness this warfare against methods and schemes of settlement, long sanctioned by

experienced minds eminently conversant with the subject, and upon which almost all the family arrangements in the country may be said to rest for validity and efficiency. We have already had one impeachment of conveyancing law, (*Brown v. Bamford*), which completely unsettled settlements until the late prudent Chancellor came to the rescue, and affirmed the separate use clauses. And now we are told that the other common forms in our settlements will not hold water. Alas! Sir, after all the legislative and judicial innovations of these times, what intelligible remnant will there be of the law of real property?

I am Sir,

Your obedient servant,

Lincoln's Inn, Oct. 26, 1846.

X.

## A REPOSITORY OF POINTS IN EQUITY AND CONVEYANCING,

*Designed to combine the Advantages of an Abridgment of, and an Index to, the recent Cases, and of an original Statement of the Points established thereby.*

(Continued from p. 432).

DEBT—See "Trust."

### DEBTOR AND CREDITOR.

*Right against the separate estate of a deceased Partner.*—Notwithstanding an order of the Court of Review for the consolidation of the estates of two firms, and the receipt by a creditor, under that order, of a dividend out of the aggregate fund, he may, by a suit in Chancery, establish his claim against the separate estate of a deceased partner, to the extent of the balance remaining due to him. *Harris v. Farwell*, 15 Law J. 425—M. R.

*Judgment Debt a Charge on an Annuity.*—A judgment debt operates as a charge upon an annuity secured by an assignment of leaseholds, under the stat. 1 & 2 Vict. c. 110, s. 13. *Harris v. Davison*, 15 Law J. 256—V. C. E.

See "Vendor and Purchaser," Case 4.

DEED—See "Compromise," "Construction."

### DEVISE.

*To the male Heirs of a Person, and their male Heirs.*—Although it may be a rule, that, in order to take under the description of heir male, a person must be heir general and a male descended wholly through males, yet there may be such plain indications of a contrary intention in the testator as to take the case out of such a rule; so that, if a testator devises to the male heirs, if such there be, of a lineal ancestor of his, and their male heirs for ever, and if there be no male heirs or descendants of him, then to a person who is heir general to him through a female, and to his male heirs for ever; and he directs that the males shall take place first, so long as there are any through any descent; and it appears from the will, that the testator knew the pedigree of the family up to the lineal ancestor above mentioned; a person descended from that ancestor entirely through males will be entitled in preference to his heir general descended from him through a female. For the testator, knowing the pedigree, must be taken to have been aware that there was no person answering the description of heir male, in the strict sense; and he could not mean "the heir general, if a male," because there is an express devise to such heir general in default of the male heirs or descendants of the lineal ancestor; and the words "male heirs or descendants" shew that he did not mean "heirs" in the strict sense, and, together with the express preference of males, shew that he means those males who are de-

scended from the lineal male ancestor entirely through males, though they be not heirs general. *Doc. d. Angell v. Angell*, 15 Law J. 193—Q. B.

*Exoneratory Devise and Bequest.*—Where a testator devises real and personal estate to his daughter, who is his heiress-at-law and next of kin, and her heirs and assigns for ever, "provided she at a proper time intermarries and shall have no children, then and in that case" over; "but nevertheless, providing she shall not have a child or children lawfully begotten in wedlock," he "still" gives all his real and personal property to her, and for her own use during her life, and at her death to be equally divided between her children then living, their heirs and assigns, for ever, with benefit of survivorship, and a limitation over in case the survivor shall die without issue; and the daughter does not marry, she becomes entitled to the fee simple in the real estate, and to the absolute interest in the personalty; but whether under the will, or as heiress-at-law and next of kin, it was not decided. *Aspinall v. Audus*, 7 Man. & G. 912.

*Effect of a Charge in passing the Fee.*—14 Mee. & W. 698. A statement of the point decided will be found ante, p. 187.

### DOWER.

*Election between Dower and Freebench and an Annuity.*—Where a testator directs his trustees, out of his real and personal estate, to pay from time to time, but not by way of anticipation, a yearly sum to his wife during widowhood, and, subject thereto, to apply the whole or any part of the income for the benefit of another person; and, in case of the death of that person under age, without issue, in his wife's lifetime, then to pay the said annuity to his wife for her life, for her separate use; and the testator empowers his trustees to carry on his farming concerns, and to let or sell all or any part of the property; and the property is insufficient to raise the annuity in addition to her dower and freebench; the widow must be put to her election between her dower and freebench and the annuity. *Lowes v. Lowes*, 10 Jur. 453—V. C. W.

ELECTION—See "Dower."

### ESTATE OR INTEREST (QUANTITY OF).

*For Life only, and not in Tail.—Limitation over on not leaving Issue.*—Where a testator devises an estate to a person for life, and, from and after her decease, to her first child, and to his or her heirs and assigns, for ever; but, if such child shall depart this life under the age of twenty-one years, without leaving issue, then in like manner to the second, third, and every other child of the prior taker, regard being had to the seniority of age and priority of birth of such child and children, and to their several and respective deaths under age, and without issue; it being his will, that, in case of issue, such issue shall inherit the estate, and he thereby gives the same to him or her, and to his or her heirs accordingly; but in case the prior taker shall die without leaving issue of her body, or, having issue, such issue shall die under the age of twenty-one years without leaving issue as aforesaid, then he devises the estate over; the prior taker has only a life estate, the word "issue" in the limitation over meaning "children." *Goymour v. Pigge*, 7 Beav. 475.

*Where Issue are to take by way of Substitution, and not of Succession or Limitation over; their Parents taking Absolute Interests.*—Where a testator gives certain shares in an insurance office to his son for life, and, after his decease, to his children; and, in default of such issue, to his daughters and their issue, share and share alike, such issue not to be entitled to take more than their deceased parents' share; and the son

dies in the lifetime of the daughters, without ever having had any issue; the daughters take absolute interests, their children being intended to take by way of substitution, and not of succession or limitation over. *Hedges v. Harper*, 10 Jur. 578—M. R.

*Parents and Children taking Life Interests in Succession, notwithstanding a Limitation over, in Default of issue of the Parents.*—Where a testator gives each of his daughters an annuity during their lives, and after their respective decease, he gives the same to their children respectively, share and share alike; and, in case any of his daughters shall die without issue, then he directs such annuity to cease and fall into the residue of his estate; the daughters and their children only take life interests in succession. *Id.* 580.

*Parent taking the Absolute Interest, and not a Life Interest, with Remainder to his Children.—Bequest to Heirs of the Body.—Limitation over of Personality on Failure of Heirs.*—Where a testator, after bequeathing legacies to several sisters and a brother, wills, that, in the event of either of the sisters dying without heirs, the sum so falling is to be equally divided between the survivors, and, should it so happen that the whole should die without heirs, the sum is ultimately to revert to the estate of the family; but should all or any of them die with heirs of the body, the sum of which they severally die possessed is to be continued to their heirs for ever, and not to revert to the estate; adding, that the sum left to his brother "is his for ever;" the sisters take absolute interests, and not life interests, with remainder to their children. *Brooks v. Lord Lake*, 10 Jur. 485—V. C. E.

#### ESTOPPEL—See "Admission."

#### EXECUTORS.

*Improperly permitting Property to be enjoyed in Specie.*—Where trustees and executors, who are directed to convert and invest the testator's property, allow it to be enjoyed in specie by the tenant for life, with his concurrence, and, sometime after the death of the tenant for life, they account for the value, and pay the amount into court, they must pay interest thereon, at 4l. per cent., from the death of the tenant for life to the day of such payment. *Mackenzie v. Taylor*, 7 Beav. 467.

#### FRAUD.

*Person in loco Parentis inducing a Child to do an act for his benefit.*—The court will interfere to prevent an act of bounty by a child to the parent or person standing in loco parentis, when, under the circumstances in which they are placed prior to what may be called a complete emancipation of the child, the child is not in such a position as will enable him to form an entirely free and unfettered judgment. And if an act of bounty is done by a child to the parent or person standing in loco parentis just after the child attains the age of twenty-one years, and prior to such complete emancipation, without any benefit moving to the child, the presumption is, that an undue influence has been exercised over the child; and it is incumbent upon the party who endeavours to maintain such a transaction, to shew that that presumption is adequately rebutted. And hence, where a female orphan who has all along resided with her uncle, joins with him in a promissory note for his debt, two months after attaining her majority, while she is still resident at his house, and without having any friend to consult, the court will set aside the transaction. *Archer v. Hudson*, 7 Beav. 551.

#### GUARDIAN

*appointed by the Court, although the Ward had appointed one.*—The court will refer it to the Master to

approve of a guardian for an infant, notwithstanding the infant, being fifteen years of age, has by deed appointed a guardian for himself; and although it does not appear, and it is not suggested, that the guardian so appointed is an unfit person. *Coham v. Coham*, 12 Sim. 639.

#### HEIR—HEIRS.

*"Heir or Heirs," a Designatio Personarum.*—14 Mee. & W. 698. A statement of the point decided will be found, ante, p. 187.

*Limitation over to the Testator's own Heir, Executor, or Administrator, after a Devise and Bequest to his sole Issue and Heir-at-law.*—Where a testator devises and bequeaths his real and personal estate upon trust for a person who, at the date of the will and at the time of the testator's decease, is his sole issue and heir-at-law, and also next of kin; and, in case of his death under a certain age without issue, then upon trust for his (the testator's) own heirs, executors, or administrators, such issue is entitled to the property, under the limitation over, as heir-at-law and next of kin at the death of the testator, and not the person or persons who would be heir-at-law and next of kin at the death of the son; for the son might die in the testator's lifetime leaving children, or the testator might have other children living at his death. And the expression, "my own heirs," might be used with the view of excluding the heir on the maternal side. At all events, there is not sufficient indication of an intention to benefit other persons than the heir and next of kin, at the time of the testator's decease, to justify the court in departing from the general rule. *Wilkinson v. Garrett*, 10 Jur. 560—V. C. B.

*Whether there is a resulting Trust in his Favor.*—Where a testator devises all his freehold estates to his nephew (designating him in strong terms of commendation) and his heirs and assigns, "upon the trusts and for the uses following," and then only limits an use of one of his estates, and directs certain sums to be paid out of those estates, and then declares that he leaves his son unprovided for on account of his misconduct, but by a codicil directs that his nephew, his heirs, executors, or administrators, shall allow his son a certain amount for his maintenance; adding a declaration of his determination that his son shall never enjoy any part of his estate, and limiting over his estate from his nephew, in case he shall give up any part of his estate to his son; in such case the nephew takes beneficially; the words "upon the trusts and for the uses following" meaning nothing more than "subject to the trusts and uses following;" and there is no resulting trust in favor of the son and heir as to any part of the estates. *Hughes v. Evans*, 13 Sim. 496.

See "Construction," Case 9, "Estate."

#### HEIRS MALE—See "Devise."

#### HEIRS OF THE BODY—See "Estate."

#### INJUNCTION

*to restrain Proceedings at Law to set aside an Annuity which had been treated as valid in a Chancery Suit.*—Where the grantor of an annuity admitted, in his answer to a bill in Chancery, that the annuity was a subsisting charge on his estates, and the decree and proceedings in the suit during a great number of years have treated the annuity as valid, and a large sum of money has been paid on the faith of the admission of the grantor, the grantor's devisee will be restrained from proceeding at law to set aside the annuity as invalid, on the ground that no memorial of it was inrolled, pursuant to the stat. 17 Geo. 3, c. 26, and that the estates were not of greater

annual value than the annuity. *Roberts v. Madocks*, 13 Sim. 549.

See "Railway," "Trusts."

ISSUE—See "Estate," "Survivorship."

INSOLVENCY—See "Alienation."

#### JOINTURE.

*Apportionment of a Jointure on an Estate devised to the Widow, and on a descended Estate.*—Where the owner of two estates covenants in his marriage settlement to convey so much of them as shall be of a certain annual value for his wife's jointure, and, by his will, after confirming the settlement, devises both estates to his wife for life, and then executes a deed, which has the effect of revoking his will as to one estate, which consequently descends to his heir-at-law, and he dies without having made any conveyance by way of jointure pursuant to the covenant; in such case, the jointure being originally a charge upon both estates, and the testator not intending that the will should be a satisfaction of the jointure, the jointure remains, as it originally was, a charge on both estates, and therefore must be apportioned rateably on the estate, which passes to the widow under the will, and upon the descended estate. *Eyre v. Green*, 10 Jur. 384—V. C. B.

#### JUSTICE.

*Principles connected with the Administration of Justice.* See "Award," "Compromise."

LEASE—See "Construction," Case 4; "Vendor and Purchaser," Case 10.

#### LEASEHOLDS.

*Apportionment of Fines for Renewal.*—Where freeholds and leaseholds for lives or years are devised to a person for life, with a direction to pay the fines and other expenses of renewing the leaseholds out of the rents and profits, or by mortgage of the leaseholds, or by such other ways and means as shall be advisable, there, if the trustees do not take upon themselves to exercise the discretion given them by the will, but the Court is called upon to decide how the burthen of renewal is to be borne, the Court will impose it upon the parties in the proportion of their actual enjoyment of the estate. And, in order to accomplish this, where the tenant for life has not taken upon himself to renew, but the trustees have paid the expenses of renewal out of rents accumulated during the minority of the tenant for life, the court will direct the tenant for life to keep down the interest, and to give security for the payment of a part of the principal proportionate to the estimated value of his interest, without prejudice to the question, whether he may or may not be liable, according to the eventual duration of his life, to less or more than the sum for which security is given, and to the consequent question, whether he is to have a lien on the estate for what he may have overpaid, or must give further security. *Jones v. Jones*, 10 Jur. 516—V. C. W.

(To be continued).

**MASTERS IN CHANCERY.**—The Lord Chancellor has appointed the following gentlemen Masters Extraordinary in the high Court of Chancery:—John Penrice Bell, of Cheltenham, Gloucestershire; Walter Henry Moore, of Woodbridge, Suffolk.

The Queen has been pleased to grant unto Thomas Coxhead Marsh, Esq., of the Inner Temple, Barrister at Law, her royal license and authority to take and use the surname of Chisenhale, in addition to and before that of Marsh.

### Court Papers.

#### EQUITY CAUSE LISTS, MICHAELMAS TERM, 1846.

\* \* The following abbreviations have been adopted to abridge the space the Cause Papers would otherwise have occupied:—A. Abated—Adj. Adjourned—A. T. After Term—Ap. Appeal—C. D. Cause Day—C. Costs—D. Demurrer—E. Exceptions—F. D. Further Directions—M. Motion—P. C. Pro Confesso—Pl. Plea—Ptn. Petition—R. Re-hearing—S. O. Stand Over—Sh. Short.

#### Court of Chancery.

##### Before the LORD CHANCELLOR.

##### APPEALS.

Strickland v. Strickland	(Ap)	Wrightson v. Macauley (Ap)
land	Day	Gompertz v. Gompertz (3 causes, Ap)
Ditto v. Boynton	to be	Morris v. Howes
Ditto v. Strickland	fixed.	Horsman v. Abbey (Ap)
Vandeleur v. Blagrave (Ap)		Thomas v. Blackman (Ap)
Coore v. Lowndes (Ap) To fix a day		Bonds v. Slyman (Ap)
Minor v. Minor (2 Ap)	To	Cooper v. Pitcher (Ap)
Ditto v. Ditto (Suppl. suit)	fix a day	Salkeld v. Johnson (on eq. re.)
Dalton v. Hayter (Ap) To fix a day		Booth v. Creswicke (Ap)
Att.-General v. Masters and Wardens, &c. of the City of Bristol (Ap) To fix a day		Forbes v. Leeming (Ap)
Black v. Chaytor (Ap) S O		Andrews v. Lockwood (Ap)
Johnson v. Reynolds (F D by order) S O		Stocken v. Dawson (4 ca., Ap)
Lord v. Wightwick (Ap)		Watts v. Hyde (Ap)
Carmichael v. Carmichael (Ap)		Walford v. Adie (Ap)
Hawkes v. Howell (Ap)		Morison v. Morison (Ap)
Heming v. Swinnerton (Ap)		Eyre v. Green (Ap)
Trail v. Bull (Ap)		Davis v. Chanter (Ap)
Youde v. Jones (Ap) A		Analey v. Cotton (Ap)
Lawrence v. Bowle (Cause by order)		Colombine v. Chichester (Ap)
		Macmahon v. Burchell (Ap)
		Duke of Leeds v. Earl Amherst (Ap)
		Att.-Gen. v. Mayor, &c. of Newcastle-upon-Tyne (Ap)
		Prendergast v. Lushington (Ap)

##### Before the VICE-CHANCELLOR OF ENGLAND.

##### PLEAS, DEMURRERS, CAUSES, AND FURTHER DIRECTIONS.

Moore v. Mitchell (2 D) S O	Hodgkinson v. Barrow (F D, C)
Button v. Simpson (D, part heard)	Colbourn v. Coling
Kingham v. Lee (D)	Hickson v. Smith (at def. request)
Baldwin v. Damer (D)	Palmer v. Pattison (F D, C)
Finden v. Stephens (D)	Lee v. Ryle (F D, C)
The Co. of Proprietors of the Grand Junction Canal v. Dimes	Minter v. Wraith (F D, cause)
Bower v. Scott (Re-hearing)	Hemming v. Spiers (E)
Walker v. Watkin (by order)	Chambers v. Waters (E)
Parker v. Day	Smith v. Robinson
Ditto v. Goude	Foster v. Vernon (F D, C)
Johnson v. Forrester (F D)	Vale v. Sherwood (7 causes, F D, C)
Terry v. Wachter	Haffenden v. Wood (E)
Simpson v. Holt (F D, C)	Branscomb v. Branscombe (F D, C)
Garrod v. Moor	Stammers v. Halliby (3 ca., F D)
Smale v. Bickford (2 causes)	Ditto v. Battye (by order)
Peacock v. Kernot	Gray v. Gray (3 causes, F D)
Morrison v. Watkins	Dorville v. Wolf (F D, C)
Wright v. Barnwell (E, F D)	Richards v. Patterson (F D, C)
Greenway v. Buchanan	Adlam v. Barham (2 causes)
Walton v. Morritt	Beatson v. Beatson
Dobson v. Lyle (F D, C)	Woodman v. Madgen (F D, C)
Parker v. Hawkes (E)	Attorney-Gen. v. Pearson (E, F D)
Davidson v. Bagley	Dawson v. Chappell (F D, C)
Giffard v. Withington	Wait v. Horton (F D, C)
Daniel v. Hill	Montague v. Cator (F D, cau.)
Insole v. Featherstonhaugh	Groom v. Stinton (4 causes)
Lane v. Durant (E, F D)	Corbett v. Limbrick (F D, C)
Pocock v. Johnson	Baxter v. Abbott (F D, C)
Cope v. Lewis	De Beauvoir v. De Beauvoir (F D, C)
Evans v. Hunter	
Attorney-Gen. v. Trevelyan	
Start v. Cooke	

Beale v. Warder (Re-hearing)  
 Turner v. Simcock (F D, C)  
 Booth v. Lightfoot (F D, C)  
 Laddow v. Gaddeland (F D, C)  
 Howell v. Saer  
 Attorney-Gen. v. East India Co., *after Term*  
 Roberts v. Cardell (E)  
 Warwick v. Richardson (E, F D)  
 Morgan v. Kingdon (F D, C)  
 Lewis v. Hinton (F D, C)  
 Wilson v. Williams  
 Robotham v. Amphlett (E)  
 Poole v. Troughton  
 Ellison v. Clark  
 Bailiff, &c. of Bridgnorth v. Collins (F D, C)  
 Gaches v. Warner (2 causes)  
 Frant v. Deffell (Cause, Ptn)  
 Birch v. Joy (F D, C)  
 Tarte v. Phillips  
 Bilton v. Frewheela  
 Atkinson v. Glover  
 Mayor, &c. of Rochester v. Lee  
 Day v. Slade  
 Pennyfather v. Pennyfather (2 causes)  
 Radcliffe v. Readett  
 Luffkins v. Luffkins (F D, C)  
 Hollis v. Bryant (2 causes)  
 Nightingale v. Goulbourn (F D, C)  
 Williams v. Jones (F D, C)  
 Howard v. Kirk  
 Reddish v. Howard (2 causes)  
 Glasscott v. Long  
 Green v. Bailey  
 Atkins v. Hatton (F D)  
 Straker v. Wilson

White v. Briggs (E, 3 sets, F D)  
 Bradley v. Teale  
 Smith v. Smith (2 causes)  
 Parkin v. Taylor  
 Warde v. Hill  
 Damer v. Portarlington (2 ca.)  
 Greenham v. Greenham (F D, C)  
 Bellringer v. Blagrave  
 Burrow v. Hardey (F D, C)  
 Finch v. Secker  
 Crommetin v. Earl of Belfast  
 Cholmondeley v. Cholmondeley (F D, C)  
 Cotgreave v. Cotgreave  
 Middleton v. Elliot (F D, C)  
 Hemming v. Dingwall  
 Booker v. Clarke (F D, C)  
 Barnister v. Ellis  
 Hyde v. Neate (E)  
 Hall v. Hugonin (F D, C)  
 Milne v. Loc (F D, C)  
 Bownass v. Abbott (E)  
 Martindale v. Hayton  
 Langston v. Cozens (F D, C)  
 Mapp v. Ellock (F D, C)  
 Webb v. Enticknap (F D, C)  
 Kortright v. Maqucen (F D, C, cause)  
 Hammer v. Hammer (F D, C, cause)  
 Levesey v. Leicester (F D)  
 Rentell v. Scales  
 Myers v. Macdonald (2 causes)  
 Wilson v. Wilson, (E, 2 sets)  
 Gerratt v. Lancesfield (F D)  
 Gregory v. Wade  
 Hodgson v. Hodgson  
 Ingonville v. Blackstock (F D)  
 Amey v. Walker (2 causes)

### Before the Vice-Chancellor WIGRAM.

#### CAUSES, FURTHER DIRECTIONS, AND EXCEPTIONS.

Hunter v. Macklew (Objection as to parties)  
 Lowes v. Lowes (F D, C) *7th day*  
 Sayers v. Lacon (F D, pt. hd.)  
 Plowden v. Thorpe  
 East India Co. v. Coopers' Co., *after Term*  
 Campbell v. London and Brighton Railway Co. (part heard)  
 Blair v. Bromley  
 Duncombe v. Levy  
 Fraser v. Jones  
 Leigh v. Karl Balcarraz  
 Dale v. Hamilton  
 Beestock v. Shaw  
 Emerson v. Emerson  
 Hammon v. Sedgwick  
 Warner v. Hodgson (2 causes)  
 Kirby v. Mash  
 Pennington v. Buckley  
 Tepperell v. Taylor  
 Parks v. Odell (2 causes)  
 Carlisle v. Elliott  
 Handford v. Handford  
 Maxwell v. Kibblethwaite (2 causes)  
 Porter v. Porter  
 Scott v. Bealey  
 Starkey v. Blake  
 Tolson v. Dykes (3 causes)  
 Ogle v. Hansard  
 Knight v. Knight (E, 2 sets)  
 Lewis v. Thomas  
 Bell v. Alexander  
 Bull v. Pritchard

Dobson v. Land  
 Winter v. Winter (F D, C)  
 Gosters v. Hammond (2 causes)  
 Shuttlesworth v. Bengough (2 causes)  
 Champion v. Banks  
 Worley v. Frampton (E, F D)  
 Dawes v. Betts  
 Wood v. Rowditch  
 Attorney-Gen. v. Lucas (E)  
 Stinton v. Taylor  
 Beach v. Beach (F D, C)  
 Henson v. Blackwell (F D, C)  
 Moss v. Leigh  
 Ditto v. Whitley } (E)  
 Lake v. Stewart  
 Blundell v. Mills  
 Methold v. Turner  
 Dean v. Hickenbotham  
 Whitlow v. Driworth (2 ca.)  
 Routledge v. Gibson  
 Bachelor (pauper) v. Middleton  
 Payne v. Coles  
 Letts v. The London and Blackwall Railway Co. }  
 The London and Blackwall Railway Co. v. Letts }  
 Chase v. Morris (F D, C)  
 Crockett v. Crockett (F D, C, Ptn)  
 Stephenson v. Everatt (F D, C)  
 Tyler v. Lea (F D, C)  
 Pringle v. Smith  
 Justice v. Langster  
 Marsh v. Kingdom  
 Raby v. Ridehalgh  
 De Sola v. Mesnard

### Before the Vice-Chancellor KNIGHT BRUCE.

#### CAUSES, FURTHER DIRECTIONS, AND EXCEPTIONS.

Brighton v. North (D)  
 Cooper v. Scott (D)  
 Attfield v. Williams (E)  
 Apperley v. Page (D)  
 Taylor v. Thomas (P)  
 Dodsworth v. Lord Kinnaird (at def. request)  
 Ditto v. Ditto  
 Taylor v. Taylor  
 Malins v. Price  
 Gawen v. Gawen (F D, C) S O  
 Gibbs v. Waters S O  
 May v. Cooke S O  
 Dyer v. Crick  
 Massey v. Johnson  
 Hulbert v. Hulbert  
 Sowerby v. Pontop Rail-way Co. }  
 Ditto v. Ditto }  
 Sabire v. Callbeck  
 Croxton v. Croxton  
 Taylor v. Cooper  
 Wilson v. Parker  
 Twemlow v. Bullock (E)  
 Pascoe v. Sanders (2 causes)  
 Woodward v. Miller (F D, C)  
 Shaw v. Hill  
 Coward v. Coward  
 Beach v. Rowley  
 Francis v. Francis (2 causes)  
 Edwards v. Browne (F D, C)  
 Westwood v. Slater (F D, C)  
 Cuming v. Slater (cause by order)

Chambers v. Wilton  
 Ballard v. Bateman  
 Glanville v. Taunton  
 Garner v. Swainson  
 Davies v. Davies (F D, C)  
 Tompsett v. Wickens  
 Stewart v. Bushby (F D, C)  
 Bright v. Clark  
 Beard v. Mottam  
 Milne v. Bamford (F D, C)  
 Mostyn v. Mostyn (F D, C)  
 Rogers v. Scare  
 Higginson v. Levy  
 Jones v. Jones  
 Grayson v. Deakin  
 Hodgson v. Shaw (F D, C)  
 Weston v. Radford  
 Dunston v. Paterson (F D, C)  
 Quarrill v. Binmore (F D, C)  
 Topping v. Howard  
 Shelswell v. Freedy  
 Roakes v. Manser (2 causes)  
 Wright v. Taylor (F D, C)  
 Sanford v. Sanford (F D, C)  
 Kershaw v. Clegg (F D, C)  
 Geare v. Norton  
 Parker v. Morrell (F D, C)  
 Eversfield v. Troup  
 Wroughton v. Colquhoun (F D, C)  
 Newenham v. Pemberton  
 Boulbee v. Collier  
 Holmes v. Trappes  
 Walworth v. Clargright

### COMMON-LAW CAUSE LISTS, MICHAELMAS TERM, 1846.

#### Court of Queen's Bench.

#### CROWN PAPER, MICHAELMAS TERM, 1846.

For Saturday, Nov. 7.

England..... Ryalls v. Reg. (in error).  
 Middlesex .... Reg. v. London, Westminster, and Vauxhall Iron Steamboat Co.  
 Same ..... Inhabitants of Watford, Herts.  
 Buckinghamsh. .... Inhabitants of Little Marlow.  
 Surrey ..... Inhabitants of Crondall, Hants.  
 Cornwall ..... Inhabitants of Mylor.  
 England ..... Commissioners of Stamps and Taxes.  
 Middlesex .... Inhabitants of St. Paul, Covent Garden.  
 London ..... Wright v. Reg. (in error).  
 Dorsetshire .... Reg. v. Churchwardens of Anderson.  
 Cumberland .. Churchwardens. of Holms St. Outibet.  
 Middlesex .... Westbrook & ora.  
 Carnarvonshire .... Churchwardens, &c. of Bangor.  
 Middlesex .... Inhabitants of St. Anne, Westminster.  
 Same ..... Same.  
 Worcesterhire .... Inhabitants of St. Peter, Droitwich.  
 London ..... Bateman.  
 Devonshire ... Inhabitants of East Stonehouse.  
 Same ..... Inhab. of Widecomb-in-the-Moor.  
 England ..... South-eastern Railway Company.  
 Ely ..... Inhabitants of Meadham.  
 Lancashire .... Inhabitants of Blackburn.  
 Carnarvonshire .... Churchwardens of Bangor (orders).  
 Kent ..... Everist.  
 Warwickshire .... Council of the borough of Birmingham.  
 Yorkshire .... Inhabitants of Marton-cum-Gratton.  
 Devonshire ... Inhabitants of Landkey.  
 Buckinghamsh. .... Great Western Railway Company.  
 Same ..... Same.  
 Lincolnshire .. Inhabitants of Gixby.  
 Bolton ..... Shipperbottom.

Surrey .....	Reg. & Churchwardens of St. George the Martyr, Southwark, and Brixdown, St. Thomas, and Bethlehem Hospital.
Same .....	Same.
Monmouthshire .....	Inhabitants of Harbury, Gloucester.
Warwick .....	Collins.
Worcestershire .....	Inhabitants of Halesowen.
Lancashire .....	Overseers of the Poor of the townships in the Oldham Union.
Yorkshire .....	Justices of the West Riding.
Somerset .....	Richardson.
London .....	Douglas.
England .....	Arnaud & an.
Birmingham .....	Phillips & an.
Gloucester .....	Inhabitants of Alderley.
Lancashire .....	Grimshaw.
Durham .....	Inhabitants of Waldrige.
Camrnonshire .....	Inhabitants of Rhoscolyn, in Anglesey.

### Court of Common Pleas.

#### NEW TRIALS.

TRINITY TERM, 1846.	Midd.—Same v. Same
Midd.—Robinson v. Brown	„ Lane v. Dixon

#### ENLARGED RULES.

To 1st Day.	To 6th Day.
Reg. v. Hemsworth, in a cause of Hemsworth v. Bryan	Hinton v. Acraman
To 5th Day.	To 8th Day.
Doe & Stringer v. Stringer	Carey v. Smallwood

#### DEMURRER PAPER.

Friday, Nov. 6.	Samders v. Page
Wright v. Barronghs & ora.	Jenkinson v. Raphael
Boyson & an. v. Gibson & ora.	Dixon v. Clark
Mills v. Acres	Clarke v. Allatt
Berry & an. v. Neaham & an.	Ablett v. Clarke
Doe & Phillips v. Rollings	
Tibaldi v. Wanless	Wednesday, Nov. 11.
Thompson & ora. v. Lack	West v. Nibbs
Brown & ora. v. Mallett	Scott v. Berkeley
Pewson & an. v. Hurrell	Chadwick v. Herapath
Ireland v. Thompson	Francis v. Dodsworth
Whilling v. Des Anges	Richardson v. Tubbs

#### COUR. ADV. VULT.

Patteson v. Holland, (to stand over till the act. fa. in Q. B. is determined)	Rich v. Gasterfield
Benson v. Chapman	Woolley v. Smith
Gibbs & an. v. Flight & an.	Doe & Harrison v. Hampson
Roberts v. Grancison	Doe & Bloomfield v. Eyre
	Farmell v. Mill
	Nias v. Davies

### Court of Exchequer.

#### SITTINGS—MICHAELMAS TERM, 1846.

Done. Nisi Prius.

Monday .. Nov. 2	{ Peremptory Paper after Motions	.....
Tuesday .....	Do. before Motions	Midd. 1st Sitting
Wednesday .....	.....	.....
Thursday .....	.....	.....
Friday .....	.....	London 1st Sitting
Saturday .....	.....	.....
Monday .....	{ Special Paper, Ld. Mayor sworn	.....
Tuesday .....	Errors	Midd. 2nd Sitting
Wednesday .....	Special Paper	.....
Thursday .....	Sheriffs nominated	.....
Friday .....	.....	.....
Saturday .....	Crown Cases	.....
Monday .....	Special Paper	.....
Tuesday .....	.....	London 2nd Sitting
Wednesday .....	Special Paper	Ditto by adjournment.
Thursday .....	.....	Midd. 3rd Sitting
Friday .....	.....	.....
Saturday .....	.....	.....
Monday .....	.....	.....
Tuesday .....	.....	.....
Wednesday .....	.....	.....

### NEW TRIAL PAPER FOR MICH. TERM, 1846.

#### FOR JUDGMENT.

Moved Hilary Term, 1846.  
Midd.—Daniels v. Fielding  
Chester—Kearley v. Cole  
Swansea—Morris v. Baines

#### FOR ARGUMENT.

Moved Easter Term, 1846.  
Liverp.—Oswald & ora. v. Chadwick & an.

Chester—Pott v. Clegg  
„ Chamberlaine v. The Chester and Birkenhead Rail. Co.  
Chester (City)—Seller v. Jones  
Moved Trin. Term, 1846.  
Lond.—Woodcock v. Houldsworth

### SPECIAL PAPER.

#### FOR JUDGMENT.

Duncan v. Benson—D.  
(Heard 2nd June, 1845).  
Ashley v. Pratt—Sp. C.  
(Heard 27th April, 1846).  
Monypenny v. Dering—S. C.  
(Heard 5th May, 1846).  
Pardoe v. Price—Sp. C.  
(Heard 27th May, 1846).  
Braham v. Wilkins—D.  
(Heard 1st June, 1846).  
Chandler v. Lindsay—D.  
(Heard 8th June, 1846).  
Nightingall v. Smith—Sp. C.  
(Heard 1st July, 1846).  
Hilkington v. Coates—D.  
(Heard 3rd July, 1846).

#### FOR ARGUMENT.

Griffiths v. Pike—D.  
(To stand over until sp. case settled).  
Price v. Woodhouse—D.  
Robinson v. Purday—D.  
James v. Crane—Sp. C.  
Haigh v. Jagger—D.  
Clements v. Flight—D. (Part heard 3rd July, 1846).  
Digby v. Rayne—Sp. C.  
Plumer v. Constable—D.  
Brown v. Thurlow—D. (Part heard 3rd July, 1846).  
Hall v. Lack—D.  
Anderson v. Hardinge—D.  
Flight v. Maclean—D. (Part heard 3rd July, 1846).  
Chilton v. The London and Croydon Railway Co.—D.  
Haigh v. Jagger—D.  
Ayers v. Sloper—D.  
Rawlins v. Ellis—Sp. Order  
Milford v. Hughes—D.  
Wright v. Madocks—D.  
Same v. Same—D.  
Power v. Harding—D.  
Woods v. Durrant—D.  
Muter v. Murray—D.  
Spry v. Gallop—Sp. C.  
Roaling v. Muirgridge—D.  
Brown v. Byers—Sp. C.  
Price v. The Great Western Railway Co.—Sp. C.  
Phillips v. Lewis—D.  
Bousfield v. Wilson—D.  
O'Brien v. Clement—D.  
Harnett v. Mallard—D.

### PEREMPTORY PAPER.

To be called on the first Day of Term after the Motions, and to be proceeded with the next Day, if necessary, before Motions.

Smith v. Wythe	Waller v. Joy
Farina v. Horne	

### COMMON-LAW SITTINGS, IN AND AFTER MICHAELMAS TERM, 1846.

#### Court of Queen's Bench.

##### Michaelmas.—In Term.

1st sitting .. Tuesday .. Nov. 3, and two following days, at 11.  
2nd ditto .. Friday ..... 6, and subsequent days, at 11. 3rd ditto .. Monday ..... | 23, at half-past 9 precisely, (for undefended causes only). |

##### After Term.—Thursday, Nov. 26.

A list of such remanets as appear fit to be tried in term will be printed immediately; but on the statement of either side that a cause is too long to be tried in term, it will be withdrawn from such list, provided the other side have two days' notice of the application at the Marshal's to postpone, and do not oppose the application on good grounds. The usual number of completed and now causes will be put into the list day by day in their usual order.

##### LONDON.—In Term.

Sitting at 10, on Tuesday, Nov. 24, for undefended causes, and such as the judge considers fit to be taken.

After Term.—Friday, Nov. 27, to adjourn.

## Court of Common Pleas.

In Term.

MIDDLESEX.

LONDON.

Friday ..... Nov. 6 | Wednesday ..... Nov. 11  
 Friday ..... 13 | Wednesday ..... 18

After Term.

Thursday ..... Nov. 26 | Friday ..... Nov. 27

The court will sit at ten o'clock in the forenoon on each of the days in term, and at half-past nine precisely on each of the days after term.

The causes in the list for each of the above sitting days in term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.

On Friday, the 27th November, in London, no causes will be tried, but the court will adjourn to a future day.

## Exchequer of Pleas.

In Term.

MIDDLESEX.

LONDON.

1st sitting, Tuesday .. Nov. 3 | 1st sitting, Friday .... Nov. 5  
 2nd sitting, Tuesday ..... 10 | 2nd sitting, Tuesday ..... 17  
 3rd sitting, Thursday .... 19 | (And by adjournmt.) Wednesday ..... 18

After Term.

Thursday ..... Nov. 26 | Friday ..... Nov. 27  
 (To adjourn only).

The court will sit in Middlesex, at Nisi Prius, in term, by adjournment, from day to day, until the causes entered for the respective Middlesex Sittings are disposed of.

The court will sit, during and after term, at ten o'clock.

## London Chancery.

TUESDAY, OCTOBER 27.

## BANKRUPTS.

ANDREW WILLIAM ANGUS, East-street, Walworth, Surrey, grocer, dealer and chapman, Nov. 5 at half-past 12, and Dec. 9 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Baylis & Drewe, Basinghall-st.—Fiat dated Oct. 23.

WILLIAM PALMER, Strand, Middlesex, hosier, dealer and chapman, Nov. 9 at half-past 1, and Dec. 7 at 12, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Hardwicke & Co., Weavers'-hall, Basinghall-st., London.—Fiat dated Oct. 19.

SALLY BUDD, Newton Abbot, Devonshire, grocer, dealer and chapwoman, Nov. 10 and Dec. 8 at 11, District Court of Bankruptcy, Exeter: Off. Ass. Hernaman; Sols. Terrell, Exeter; Watson & Son, Bouverie-street, Fleet-st., London.—Fiat dated Oct. 19.

THOMAS BATEMAN, Coventry, Warwickshire, victualler, dealer and chapman, Nov. 12 and Dec. 2 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sol. Smith, Birmingham.—Fiat dated Oct. 19.

## MEETINGS.

*The Forth Marine Insurance Company*, Bishopsgate-street-within, London, underwriters, Nov. 19 at 12, Court of Bankruptcy, London, pr. d. and aud. ac.—*Philip F. Page* and *Phil. N. Page*, King's-road, Gray's-inn, Middlesex, builders, Nov. 18 at 1, Court of Bankruptcy, London, aud. ac.—*Edw. Brailford*, Old Steine, Brighton, Sussex, music sellers, Nov. 18 at 12, Court of Bankruptcy, London, aud. ac.—*James Liddell*, Kensington, Middlesex, merchant, Nov. 20 at 11, Court of Bankruptcy, London, aud. ac.; at half-past 11, div.—*Robert Ferry*, Brighton, Sussex, draper, Nov. 19 at 11, Court of Bankruptcy, London, aud. ac.—*John Brown*, Hornsey-road, Middlesex, builder, Nov. 19 at half-past 11, Court of Bankruptcy, London, aud. ac.—*Jos. Avery*, Manchester-street, Manchester-sq., Middlesex, dealer in plate, Nov. 19 at 11, Court of Bankruptcy, London, aud. ac.—*Wm. Erick*, Hackney-road, St. Leonard, Shoreditch, Middlesex, baker, Nov. 19 at half-past 11, Court of Bankruptcy, London, aud. ac.—*Thos. W. G. Stevens*, Bampton, Oxfordshire, hackney master, Nov. 19 at half-past 11, Court of Bankruptcy, London, aud. ac.—*John Edw. Bacon*, Upper Russell-street, Ber-

mondsey, and Maismore-sq., New Peckham, Surrey, leather factor, Nov. 19 at 11, Court of Bankruptcy, London, aud. ac.—*Wm. F. Geach*, Pontypool, Monmouthshire, corn merchant, Nov. 19 at 11, District Court of Bankruptcy, Bristol, aud. ac.; Nov. 20 at 12, div.—*Caroline Leasam*, Cheltenham, Gloucestershire, dressmaker, Nov. 20 at 11, District Court of Bankruptcy, Bristol, aud. ac.—*John A. G. Smith*, Chorlton-upon-Medlock, Manchester, auctioneer, Nov. 18 at 11, District Court of Bankruptcy, Manchester, aud. ac.—*Robert Spencer*, Newcastle-upon-Tyne, scrivener, Nov. 18 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*Geo. Steele*, Claypath, Durham, grocer, Nov. 18 at half-past 10, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*Thos. Walker*, Leeds, Yorkshire, tallow chandler, Nov. 18 at 11, District Court of Bankruptcy, Leeds, aud. ac.; Nov. 19 at 11, div.—*Jas. Hall*, Leeds, Yorkshire, chemist, Nov. 18 at 11, District Court of Bankruptcy, Leeds, aud. ac.; Nov. 19 at 11, div.—*John Boyd* and *Jas. Boyd*, Wellington-chambers, Southwark, Surrey, guano merchants, Nov. 20 at half-past 12, Court of Bankruptcy, London, div.—*James Martin*, Wood-street, Cheapside, London, fringe manufacturer, Nov. 20 at 12, Court of Bankruptcy, London, div.—*Lionel Watling*, Gilbert-street, St. George, Hanover-square, Middlesex, butcher, Nov. 20 at 11, Court of Bankruptcy, London, div.—*Th. Henry Wyatt*, Banbury, Oxfordshire, common brewer, Nov. 20 at half-past 11, Court of Bankruptcy, London, div.—*Charles Poile*, Rye, Sussex, merchant, Nov. 17 at half-past 2, Court of Bankruptcy, London, div.—*Ch. Frederick Ellerman*, Philipot-lane, London, commission merchant, Nov. 17 at half-past 12, Court of Bankruptcy, London, div.—*John Coker*, Narford, Norfolk, timber dealer, Nov. 19 at 2, Court of Bankruptcy, London, div.—*Wm. Wood*, Shrewsbury, Shropshire, wine merchant, Nov. 26 at 12, District Court of Bankruptcy, Birmingham, aud. ac. and div.—*John Newbold*, Nottingham, tailor, Dec. 11 at 12, District Court of Bankruptcy, Nottingham, aud. ac. and div.—*Thos. Scott* and *John Scott*, Birmingham, merchants, Nov. 19 at 12, District Court of Bankruptcy, Birmingham, fin. div.—*Benj. Mercer Burroughs*, Liverpool, ironmonger, Nov. 18 at 11, District Court of Bankruptcy, Liverpool, div.

## CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on the Day of Meeting.*

*Thomas Cooke*, Bridge-terrace, Harrow-road, Paddington, Middlesex, plasterer, Nov. 18 at 12, Court of Bankruptcy, London.—*Henry Elphick*, Wardour-street, St. James's, Middlesex, licensed victualler, Nov. 18 at 12, Court of Bankruptcy, London.—*J. Douglas Herrick*, Colchester, Essex, grocer, Nov. 18 at 12, Court of Bankruptcy, London.—*Philip Flood Page* and *Philip Norris Page*, King's-road, Gray's-inn, Middlesex, builders, Nov. 18 at 1, Court of Bankruptcy, London.—*Thos. Knight*, Minorities, London, draper, Nov. 18 at half-past 1, Court of Bankruptcy, London.—*James Bradshaw*, Mary-le-bone-street, Piccadilly, Middlesex, woollen draper, Nov. 18 at 12, Court of Bankruptcy, London.—*Geo. Steele*, Claypath, Durham, grocer, Nov. 18 at half-past 10, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Henry Tate*, Bristol, stockbroker, Nov. 20 at 11, District Court of Bankruptcy, Bristol.—*Stephen Hey*, Colne, Lancashire, worsted manufacturer, Nov. 20 at 11, District Court of Bankruptcy, Manchester.—*Thomas Ward*, Nottingham, maltster, Nov. 27 at 11, District Court of Bankruptcy, Nottingham.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Nov. 17.*

*Thomas Southern*, Gloucester, grocer.—*Benjamin Besley*, Poolholm, Monmouthshire, out of business.—*Bartholomew Calway*, Tooley-street, Southwark, Surrey, draper.—*Robert Clifton*, Brandon, Suffolk, brewer.—*John Benstead*, Fleet-st., London, hosier.—*E. Hodges*, Circus-street, New-road, Mary-le-bone, Middlesex, wine merchant.—*W. Williams*, Watton, St. Mary, Brecon, victualler.—*Rich. Castle*, Twynning, Gloucestershire, grocer.—*Hodgson Stelling*, Well, Yorkshire, woolcomber.—*Thos. Dean*, Chenies-street, Tottenham-court-road, Middlesex, victualler.

## SCOTCH SEQUESTRATIONS.

*Henry Jamieson*, Peterhead, merchant.—*Wm. Boyd*, Dalkeith, innkeeper.—*Ch. Wilson*, Bankhead, near Dunfermline, Fifeshire, underwriter.—*Ewen Davidson*, Kingussie, Inverness, merchant.



## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*John Moodie*, Rochester, Kent, tailor, Nov. 10 at half-past 1, Court of Bankruptcy, London.—*Charles Seriven*, Reading, Berkshire, labourer, Nov. 10 at 11, Court of Bankruptcy, London.—*John Nicols*, Great Yarmouth, Norfolk, beer-shop keeper, Nov. 19 at 12, Court of Bankruptcy, London.—*Thos. Davies*, Carret-st., Westminster, Middlesex, milkman, Nov. 5 at 11, Court of Bankruptcy, London.—*S. Ellis*, Covent-garden-market, Middlesex, fruit salesman, Nov. 3 at 11, Court of Bankruptcy, London.—*Llewelyn Llewellyn*, Newbridge, near Cardiff, Glamorganshire, grocer, Nov. 17 at 11, District Court of Bankruptcy, Bristol.—*Sam. Gregory*, Oldfield Brow, near Altrincham, Chester, artist, Nov. 4 at 12, District Court of Bankruptcy, Manchester.—*Charles Kerrison*, Hyde, Cheshire, bootmaker, Nov. 3 at 12, District Court of Bankruptcy, Manchester.—*Alex. Mackenzie*, Manchester, commission-agent, Nov. 4 at 11, District Court of Bankruptcy, Manchester.—*Thos. Bennett*, Nottingham, tailor, Nov. 6 at 12, District Court of Bankruptcy, Birmingham.—*Spencer Percival Hampson*, Birmingham, auctioneer, Oct. 31 at 12, District Court of Bankruptcy, Birmingham.—*Wm. Abbot*, Birmingham, plumber, Oct. 31 at 10, District Court of Bankruptcy, Birmingham.

*Saturday, Oct. 24.*

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*Dennis Bridges*, Elmswell, Suffolk, farmer, No. 41,605 C.; *John George Hart*, new assignee, in room of *John Robinson*, deceased.—*Jas. Lathbury*, Aldgate High-st., London, meat salesman, No. 58,429 T.; *Samuel Elliott*, assignee.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Thursday, Nov. 12, at 9.*

*Leopold Schwabacher*, Haymarket, St. James's, Middlesex, importer of foreign wines.—*John Alex. Smith*, Gravesend, Kent, accountant.—*Jas. Leonard*, Craven-st., Strand, Middlesex, surgeon.—*Hannah Bromley*, widow, Theobald's-road, Red Lion-square, Middlesex, in no business.—*James Henry Hance*, Warwick-st., Charing-cross, Middlesex, agent for the discount of bills.—*Henry Nicholls*, Pall-mall, St. James's, Middlesex, breeches maker.—*Thos. Chas. Groatorez*, Dowgate-hill, London, wine merchant.—*Algernon Sydney Sparks*, Beaufort-buildings, Strand, Middlesex, out of business.—*C. Thos. Kilner*, Prebend-st., Camden-town, Middlesex, out of business.—*Wm. Young Torchler*, Brook-st., Hanover-square, Middlesex, attorney's clerk.

*Nov. 13, at the same hour and place.*

*Thomas Samuel*, Leigh-street, Burton-crescent, Middlesex, ham dealer.—*Edward Bennett*, Bexley-heath, near Dartford, Kent, butcher.—*J. S. E. Lucas*, Church-lane, White-chapel, Middlesex, organ builder.—*Joseph Russell*, Aldermanbury, London, and Woodward-terrace, Walcott-square, Lambeth, Surrey, agent for the sale of Manchester goods.—*E. J. Thurkettle*, Adam-street, Manchester-square, Middlesex, jobbing horse dealer.—*Edw. Bartholomew*, Southampton-mews, Russell-sq., Middlesex, out of business.—*Henry T. Green*, Leadenhall street, City, lithographic printer.—*Sam. Markham*, Bridport-hall, Middlesex, out of business.

*Nov. 14, at the same hour and place.*

*Thomas Bott*, Chenies-mews, Bedford-square, Middlesex, out of business.—*Geo. Wm. Arnold*, Baynes-row, Clerkenwell, Middlesex, out of business.—*Charles Tomkinson* the younger, Surbiton, near Kingston-upon-Thames, Surrey, plumber.—*Thomas Adams*, Half Moon-street, Bishopsgate-street, London, bootmaker.—*Thos. Allen*, Golden-buildings, Strand, Middlesex, artificial flower maker.—*Thomas Riley*, Clapham-road-place, Clapham-road, Surrey, out of business.—*Thomas Dowling*, Princes-street, Hanover-square, Middlesex, general agent.

*Court-house, NOTTINGHAM, (County), Nov. 11, at 10.*

*John Rutland*, Nottingham, coach maker.—*J. Sprechley*, New Sneinton, out of business.—*Wm. C. Toynes*, Nottingham, miller.—*Samuel Janson*, Caythorpe, out of business.—*George Ley*, Nottingham, cooper.

*Court-house, HAVERFORDWEST, Pembrokeshire, Nov. 12, at 10.*

*Margaret Davies*, Keeston, farmer.

*Court-house, LANCASTER CASTLE, Nov. 11, at 10.*

*Philip Hitchmough* the younger, Liverpool, share broker.—*Chas. Curtis*, Hulme, Manchester, commercial traveller.—*Joseph Goldthorpe*, Hulme, Manchester, out of business.—*Ambrose Sutton*, Liverpool, bookkeeper.—*James Bolton*, Thornley, near Langridge, licensed victualler.—*Wm. Chell*, Manchester, out of business.—*Wm. Sellers*, Oldham, licensed hawk.—*Wm. Bury*, Blackburn, corn dealer.—*John Wilkinson*, Clitheroe, attorney at law.—*F. F. Gibbs*, Bidston, near Liverpool, insurance broker.—*John Kitchen*, Heaton Norris, out of business.—*Edward Mercer* and *John Mercer*, Blackburn, cotton manufacturers.—*John Meakins*, Manchester, out of business.

*Adjourned case.*

*Henry Andrew*, Barton-upon-Irwell, near Manchester, out of business.

*Nov. 12, at the same hour and place.*

*Geo. Cheetham*, Newton-leath, Manchester, wheelwright.—*Thos. Jones*, Liverpool, joiner.—*Henry Shields*, Stretford, near Manchester, plumber.—*Cyrus Riley*, Barnley, cotton spinner.—*Jamieson Waddington*, Preston, out of business.—*John Barton*, Preston, out of business.—*Thos. Broughton*, Burnley, dealer in cotton tents.—*Samuel Vickers*, Hulme, Manchester, retail dealer in ale.—*Wm. Moate*, Salford, general dealer.—*Wm. Fbs.*, Hulme, Manchester, beer seller.—*R. Hanks*, Chorlton-upon-Medlock, Manchester, porter.—*Joseph Pearce*, Liverpool, chief mate of the barque *Choice*.—*John Jackson*, Manchester, shopman to a draper.—*E. C. Pilling*, Blackburn, dentist.—*James Shorrocks* the younger, Blackburn, agent for the sale of coal.

INSOLVENT DEBTORS' DIVIDENDS.

*Charles Woodiwis*, Norwich, stay maker, at Beckwith & Co.'s, Norwich: 6d. in the pound.—*Fred. Tillet*, Harleston, Norfolk, cabinet maker, at Chambers's, 41, Bishopsgate-street Without, London: 2s. 3½d. in the pound.

MEETING.

*Hugh Pierce*, Holywell, Flintshire, druggist, Nov. 12 at 2 White Lion Inn, St. Asaph, sp. affairs.

FRIDAY, Oct. 30.

BANKRUPTS.

*BENJAMIN EDWARD WALKER*, Upper Fitzroy-street, Fitzroy-square, Middlesex, publican, dealer and chapman, Nov. 9 at 1, and Dec. 14 at 11, Court of Bankruptcy, London: Off. Ass. Turquand; Sol. Wells, Percy-street, Bedford-square.—Fiat dated Oct. 28.

*JOHN JENKINS*, Blackland-lane, Chelsea, Middlesex, dealer in milk, dealer and chapman, Nov. 12 at 2, and Dec. 10 at 1, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Buchanan, Basinghall-street.—Fiat dated Oct. 28.

*THOMAS BRADBRIDGE*, Wardour-street, Soho, Middlesex, cheesemonger, Nov. 6 at 11, and Dec. 11 at 12, Court of Bankruptcy, London: Off. Ass. Belcher; Sol. Wellborne, Tooley-street, Southwark.—Fiat dated Oct. 20.

*EDWARD BOWEN*, Little Bolton, Bolton-le-Moors, Lancashire, meal and flour dealer, shopkeeper, dealer and chapman, Nov. 11 and Dec. 9 at 11, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Holgate & Roberts, Rochdale; Sharpe & Co., 41, Bedford-row, London.—Fiat dated Oct. 28.

*THOMAS BROADY*, Chester, chymist and druggist, tea dealer, dealer and chapman, Nov. 13 and Dec. 4 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Cunnah, Chester; King, Wilmington-square, London.—Fiat dated Oct. 23.

MEETINGS.

*Wm. May Underwood*, Waples-mill, near Fyfield, Essex, miller, Nov. 20 at half-past 11, Court of Bankruptcy, London, last ex.—*W. Mitchell*, Westerham, Kent, draper, Nov. 10 at 12, Court of Bankruptcy, London, last ex.—*William Brook*, Manchester, and Goldsmith-street, London, stuff merchant, Nov. 10 at 11, District Court of Bankruptcy, Manchester, last ex.—*John Hignett*, Manchester, sack manufacturer, Nov. 11 at 12, District Court of Bankruptcy, Manchester, last ex.—*John Smith Chadwick*, Manchester, calico printer, Nov. 11 at 11, District Court of Bankruptcy, Manchester, last ex.—*Francis Syder*, Fakenham, and Wells, near Fakenham, Norfolk, also of Hitchin, Herts, grocer, Nov. 21 at 11, Court of Bankruptcy, London, aud. ac.—*W. Camplin*

**Eaton**, Upper Thames-street, London, flour wharfager, Nov. 21 at 11, Court of Bankruptcy, London, and. ac.—**Frederick Clement Gray**, Melicourt-cottages, Forrest-row, Dalston, Middlesex, lodging-house keeper, Nov. 34 at 11, Court of Bankruptcy, London, and. ac.—**Thomas Peirson**, Warwick-croft, Holborn, Middlesex, money scrivener, Nov. 14 at 11, Court of Bankruptcy, London, and. ac.—**Isaac Bryant**, Victoria-grove, Stoke Newington, Middlesex, builder, Nov. 14 at 12, Court of Bankruptcy, London, and. ac.—**William Elliott**, Potworth, Sussex, corn merchant, Nov. 14 at 1, Court of Bankruptcy, London, and. ac.—**Benj. Clark**, Kingston-upon-Thames, Surrey, export ale and porter merchant, Nov. 14 at 1, Court of Bankruptcy, London, and. ac.—**Thos. William Clark**, Strood, Kent, licensed common brewer, Nov. 14 at 2, Court of Bankruptcy, London, and. ac.—**Wm. Hunt**, High-street, Mary-le-bone, Middlesex, printer, Nov. 20 at 11, Court of Bankruptcy, London, and. ac.—**Stephen Smith**, Bradfield, Berkshire, miller, Nov. 20 at 11, Court of Bankruptcy, London, and. ac.—**John Tessel**, St. Saviour, Norwich, carpenter, Nov. 20 at 11, Court of Bankruptcy, London, and. ac.—**John Wyatt**, Ockham, Surrey, common brewer, Nov. 20 at half-past 11, Court of Bankruptcy, London, and. ac.—**J. George Ufford**, Holloway, Middlesex, common brewer, Nov. 20 at half-past 11, Court of Bankruptcy, London, and. ac.—**John Gibbons**, Coleman-street, London, merchant, Nov. 20 at half-past 11, Court of Bankruptcy, London, and. ac.—**Wm. Mitchell**, Westerham, Kent, draper, Nov. 20 at 12, Court of Bankruptcy, London, and. ac.—**S. Milton**, Barking, Essex, sail maker, Nov. 20 at 12, Court of Bankruptcy, London, and. ac.—**Wm. Groves**, Huntingdon, grocer, Nov. 20 at half-past 12, Court of Bankruptcy, London, and. ac. and div.—**James Blunden**, Basingstoke, Southamptonshire, grocer and baker, Nov. 25 at 1, Court of Bankruptcy, London, and. ac.—**James Hayward** and **David Adam**, Paternoster-row, London, booksellers, Nov. 26 at 1, Court of Bankruptcy, London, and. ac.—**John Burbridge** and **Robert Burbridge**, Upper Whitcross-street, Middlesex, grocers, Nov. 27 at half-past 12, Court of Bankruptcy, London, and. ac.—**Jos. Graham**, Jewry-street, Aldgate, London, wholesale stationer, Nov. 27 at half-past 1, Court of Bankruptcy, London, and. ac.—**Jos. Harvey**, King William-st., London, lamp manufacturer, Nov. 24 at 2, Court of Bankruptcy, London, and. ac.; Nov. 27 at 1, div.—**Thos. P. Webb**, Balsham, Cambridge, coal merchant, Nov. 24 at half-past 2, Court of Bankruptcy, London, and. ac.—**Louis Mosnier**, Leicester-place, Leicester-square, Middlesex, hotel keeper, Nov. 24 at 1, Court of Bankruptcy, London, and. ac.—**J. Miller**, Mary-st., Hoxton Old-town, Middlesex, baker, Nov. 24 at 12, Court of Bankruptcy, London, and. ac.—**Wm. G. Merrett**, Leadenhall-st., London, and Oliver's-terrace East, Bow-road, Middlesex, surgeon, Nov. 27 at 12, Court of Bankruptcy, London, and. ac.—**Caroline Penzance**, Cheltenham, Gloucestershire, dressmaker, Nov. 20 at 11, District Court of Bankruptcy, Bristol, and. ac.—**Wm. Lowe**, St. Augustine's-back, near College-green, Bristol, hard wood turner, Nov. 24 at 11, District Court of Bankruptcy, Bristol, and. ac.; Nov. 26 at 11, div.—**Peter Rhodes**, Manchester, cotton spinner, Nov. 23 at 12, District Court of Bankruptcy, Manchester, and. ac.; Nov. 24 at 12, div.—**Fred. Whitworth**, Shawforth, Rochdale, Lancashire, cotton manufacturer, Nov. 23 at 11, District Court of Bankruptcy, Manchester, and. ac.; Nov. 24 at 11, div.—**Geo. Walker**, Newcastle-upon-Tyne, ship broker, Nov. 24 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac.—**John Heslop**, Morpeth, Northumberland, grocer, Nov. 24 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac.—**Geo. Wilkinson** and **Joseph Wilkinson**, Bishop Auckland, Durham, carriers, Nov. 24 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac.—**Jonathan Bowman**, Carlisle, Cumberland, woollen draper, Nov. 24 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac.—**Samuel Tapple**, Warwick, tailor, Nov. 20 at 1, Court of Bankruptcy, London, div.—**Robert Weatherhog** and **Richard Weatherhog**, Kent, farmers, Nov. 20 at 12, Court of Bankruptcy, London, div.—**Jas. Bryant**, Mayfield, Sussex, draper, Dec. 1 at 12, Court of Bankruptcy, London, div.—**Joseph Haynes**, Aldermanbury, London, woollen warehouseman, Nov. 26 at 12, Court of Bankruptcy, London, div.—**John Griffin**, Windsor, Berkshire, wine merchant, Nov. 25 at 11, Court of Bankruptcy, London, div.—**Robert Kimpton**, Crescent, Jewin-street, Cripplegate, London, jeweller, Nov. 25 at 12, Court of Bankruptcy, London, div.—**Mich. Emanuel** and **Hen. Emanuel**, Hanover-sq.,

Middlesex, goldsmiths, Nov. 24 at half-past 11, Court of Bankruptcy, London, div.—**James Whitt**, Galloway-street, Wood-st., London, warehouseman, Nov. 20 at 1, Court of Bankruptcy, London, div.—**Blk. Mill** and **George Peck**, Southwark, and **Corn Exchange**, Manchester, London, bp factors, Nov. 20 at half-past 12, Court of Bankruptcy, London, div.—**Sam. Milton**, Barking, Essex, sail-maker, Nov. 20 at 12, Court of Bankruptcy, London, div.—**Wm. M. O'Brien** the younger, St. James's-st., Piccadilly, Middlesex, silversmith, Nov. 20 at 1, Court of Bankruptcy, London, div.—**Geo. Steele**, Claypath, Durham, grocer, Nov. 24 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, div.

## CERTIFICATES.

To be allowed, unless *Causes* be shown to the contrary on or before the Day of Meeting.

**Thos. Brooks**, Great Percy-street, Lloyd-square, Paten-villa, Middlesex, and Abchurch-lane, London, boarding-house keeper, Nov. 27 at 11, Court of Bankruptcy, London.—**Wm. G. Merrett**, Leadenhall-st., London, and Oliver's-terrace East, Bow-road, Middlesex, surgeon, Nov. 27 at 12, Court of Bankruptcy, London.—**Walter Longhurst**, Sussex-terrace, Old Brompton, Middlesex, carpenter, Nov. 24 at 11, Court of Bankruptcy, London.—**Wm. C. Thornton**, Cleckheaton, Bristol, Yorkshire, machine maker, Nov. 21 at 11, District Court of Bankruptcy, Leeds.—**John E. C. Koch**, Great Winchester-street, London, East India merchant, Nov. 23 at 1, Court of Bankruptcy, London.

To be allowed by the Court of Review in Bankruptcy, unless *Causes* be shown to the contrary on or before Nov. 20.

**Wm. Gill**, Warrington, Lancashire, corn merchant.—**Eds. Jones**, Liverpool, ironmonger.—**Rich. Yates** and **Thos. H. Williams**, Manchester, merchants.—**Peter Bury**, Manchester, calico printer.—**Robert Naylor**, Marlborough, Wiltshire, licensed victualler.—**John Payne**, Bristol, millwright.—**W. G. W. Taylor**, Twardreath, Cornwall, surgeon.—**Joseph B. Bloomfield** the younger, Poole, chymist.—**William Fibry**, Wyndybury, Buckinghamshire, coach maker.—**J. Hædel**, Bolton-le-Moors, Lancashire, cotton spinner.—**Thos. Rogers**, Bradford, Yorkshire, surgeon dentist.—**George Warriss**, Little Tower-street, London, tavern keeper.

## PARTNERSHIP DISSOLVED.

**Henry Jas. W. Bowyer** and **Wm. Freeman**, Cheltenham, Gloucestershire, attorneys and solicitors.

## SOURCES SEQUESTRATION.

**Rev. Donald Cameron**, Laggan, Inverness, minister.

## INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained the Interim Orders for Protection from Process.

**Alexander Scott**, Church-street, Waterloo-road, Lambeth, Surrey, bill poster, Nov. 12 at 11, Court of Bankruptcy, London.—**John Adams**, Milford, near Lymington, Hampshire, butcher, Nov. 12 at 11, Court of Bankruptcy, London.—**Geo. Wm. Ruskbrooke**, Ipswich, Suffolk, tailor, Nov. 19 at 11, Court of Bankruptcy, London.—**James Rae**, Maidstone, Kent, musician, Nov. 12 at 12, Court of Bankruptcy, London.—**Fred. H. Brett**, Carzon-street, May-fair, Middlesex, doctor of medicine, Nov. 19 at 11, Court of Bankruptcy, London.—**Thomas Thompson**, Oakley-street, Lambeth, Surrey, watch maker, Nov. 12 at 11, Court of Bankruptcy, London.—**Wm. Brown**, Weymouth-terrace, Hackney-road, Shoreditch, Middlesex, fancy trimming maker, Nov. 12 at 11, Court of Bankruptcy, London.—**Thos. R. Colborne**, Colchester, Essex, ex of business, Nov. 10 at 11, Court of Bankruptcy, London.—**Joseph Hookins**, Everton, near Liverpool, bricklayer, Nov. 9 at 11, District Court of Bankruptcy, Liverpool.—**J. Kitchen**, Manchester, painter, Nov. 6 at 12, District Court of Bankruptcy, Manchester.—**Thomas Hopwood**, Blackburn, Lancashire, labourer, Nov. 12 at 12, District Court of Bankruptcy, Manchester.—**John Smith**, Penzance, Cornwall, carrier, Nov. 10 at 11, District Court of Bankruptcy, Exeter.—**Jas. Wild**, Halifax, Yorkshire, butcher, Nov. 4 at 11, District Court of Bankruptcy, Leeds.—**Ann Mayfield**, Leeds, Yorkshire, milliner, Nov. 4 at 11, District Court of Bankruptcy, Leeds.—**Thos. Casey**, Wakefield, Yorkshire, assistant engineer in the Ordnance Survey Department at Wakefield, Nov. 4 at 11, District Court of Bankruptcy, Leeds.—**John Heywood**, Alverthorpe-with-Thorne, Yorkshire, shopkeeper, Nov. 4 at 11, District Court of Bankruptcy, Leeds.

The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Monday, Nov. 16, at 9.

John Girling, Great Cambridge-street, Hackney-road, Middlesex, builder.—Thomas Hale, Long-lane, Bermondsey, Surrey, out of business.—Wm. H. Osborn the elder, Ravenscourt-terrace, Hammer-smith, and Princes-street, Cavendish-square, Middlesex, out of business.

Court-house, LANCASTER CASTLE, Nov 13 at 10.

James Preston, Salford, print block maker.—Richard H. Dixon the younger, Manchester, picker maker.—T. Gould, Hulme, Manchester, out of business.—Joseph Pilkington, Barrowford, near Colne, grocer.—D. Cronin, Much Woolton, near Liverpool, doctor of medicine.—Abraham Rowley, Manchester, wood turner.—Walter Watson, Liverpool, timber merchant.—Wm. Jackson, Manchester, out of business.—W. Robinson, Burnley, cabinet maker.—Henry Robinson, Burnley, general dealer.—Geo. Burston, Manchester, beer seller.—Thomas Drax, Manchester, out of business.—Wm. Rainford, Blackburn, retail dealer in ale.—John Dobson, Rochdale, husbandman.—Wm. Lefthouse, Hulme, police constable.

Court-house, CARDIFF, Glamorganshire, Nov. 17 at 10.

David Morgan, Merthyr Tydvil, assistant chymist.—Sarah Evans, Swansea, huckster.

Court-house, STAFFORD, (County), Nov. 16 at 10.

George Morecroft, Burton-upon-Trent, carrier by water.—Paul Goldstraw, Brownhills, near Burslem, stone mason.

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# The Jurist

No. 513—VOL. X.

NOVEMBER 7, 1846.

PRICE 18d

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LONDON, NOVEMBER 7, 1846.

THERE seems to be just now a great effort made to stir the mind of the general public, to the contemplation of the horrors of conveyancing; and even the columns of newspapers have become the arena on which the champions and antagonists of the feudal conveyancing are giving battle.

In a warfare of this kind, there is already, and there will be to a still greater extent, misrepresentation and exaggeration,—misrepresentation of the causes of mischief, and great exaggeration of the magnitude of the mischief itself; misrepresentation or misunderstanding of the working of proposed alterations, and consequent exaggeration of their beneficial effect.

The present pet notion of conveyancing reformers, is to assimilate the conditions of land, at least as regards making a title to it, to those of money in the funds; that is, to have something in the nature of a registry, on which shall be inscribed the names of the owners of land, and the description of the lands; and to make the transfer of any lands described in such books from the names in which they stand, into other names, have the effect of passing absolutely to the transferees the whole interest, both legal and beneficial. It is thought, that, by such a scheme, immense simplification will be effected; and, to some extent, no doubt, it would simplify the process of transferring land, because it would abolish all inquiries as to the devolution of the legal estate, beyond the single inquiry into the fact of the particular person purporting to be the vendor, appearing on the register as owner. That would be sufficient evidence of his ownership, and the transfer of the property from his name into that of the purchaser, would be all that would be required to transfer the simple and entire fee. There would, however, remain behind, all the complicated dispositions of the beneficial interest

that the manifold wants of mankind dictate, and with those the proposed scheme of registration by means of transfer books can have nothing to do. Take, for instance, the case of an estate in land conveyed to trustees upon trust for a husband for his life, remainder to the wife for her life, remainder in tail to the first and other sons, remainder to the daughters, as tenants in common. The husband and wife are living, and the eldest son, having attained his majority and married, has barred the entail on his marriage, and has re-settled his newly-acquired estate to himself and his wife, and the issue of the marriage. He has also mortgaged his life estate; and one may suppose, without any exaggeration, various other dispositions of, or incumbrances upon, the beneficial interest in the land.

Now, the next personage in this conveyancing drama, will be the purchaser of the partial beneficial interest of one of the beneficial owners,—say, of the mortgagee of the life interest of the son, the tenant for life in remainder expectant upon the decease of his father and mother. Now, it is plain, that it is of no use for him to apply to the trustees for a transfer. They can only transfer to the purchaser of the whole fee, and of course their trust deed will have taken care to provide that they shall not sell, without the consent of the owners, certain specified beneficial estates. All that the intending purchaser can do, therefore, with regard to the purchase of the limited beneficial interest that he is about to acquire, will be, to take a conveyance of it from its apparent owners, taking care to ascertain that such apparent owners deduce a good title; and taking care, also, to give proper notices to the legal owners, the persons in whose names the land stands. In fact, the investigation of the equitable title must be exactly what it is now, the only difference being, as to getting a complete title, that notice to the acknowledged and visible owners, whose names are in the transfer books,

will be substituted for a conveyance from the legal owners; and the necessity of deducing the title to the legal estate will be abolished. In fact, the result will be simply to render these modes of acquiring title to real estate precisely similar to, and neither more nor less burthensome than, those of acquiring title to personal estate.

Now, those who are much engaged in conveyancing business connected with mercantile transactions,—those particularly who are much in the habit of being consulted upon and preparing mortgage deeds for borrowers in the middle and trading classes of life,—are well aware that there are few transactions which raise more intricate and difficult questions as to title, than sales and mortgages of equitable interests in personal estate vested in trustees. They possess, in common with transactions relating to real estate, the difficulties arising out of those inquiries (sometimes of great intricacy) necessary for establishing representation or devolution of title to the beneficial interest, by kindred or by purchase. And though they are free from the inquiries necessary in regard to real estate, as to the devolution of title to the legal estate, they are obnoxious to all those hyperdifficult questions of implied or constructive notice to the legal owners of the property purchased, which have made it difficult for judges to lay down any rules, and still more difficult for professional men to say, *a priori*, when any particular state of facts falls within such rules as the judges have ventured to lay down.

Of course, in these arguments, we are assuming that it is not proposed to deprive owners of particular beneficial interests, from dealing with those interests as their wants and wishes may dictate; and of course, therefore, we assume that beneficial owners would not, under any reformed system, be precluded from preventing the trustees, the registered owners, from selling the land on which they claim their varied interests, without the consent of all, or of certain of the beneficial owners. To suppose otherwise would be to suppose an extent of absurd despotism, of which we do not suspect even conveyancing reformers. Taking these assumptions for granted, the increase of facility of selling land would be by no means so great as is anticipated; because trustees would only be able to sell pursuant to their trust deeds, that is, in almost all cases, with the consent of a considerable number of beneficial owners; so that the sale would depend, just as it depends now, upon the establishment of the right to sell, or, in other words, of the title of the equitable owners.

We are not desirous of ridiculing, or even, to use a familiar expression, of throwing cold water upon the transfer-book system, or upon any other proposed system of reform in the law of real property, and in the mode of conveying property. All that we wish to do is, to guard our readers, and through them the public, against imagining that any system, purporting to deal merely with the visible legal ownership of land, can wholly remove complexity and expense from transactions relating to the sale of land; and to remind them, that the real sellers of land always are, and always must be, while the institutions of the country are free, the beneficial owners; and that while there remains, as there must always remain in a commercial community,

a possibility of complicated interests in the beneficial ownership of land, no rules affecting the mere legal ownership can go very far in rendering the transfer of property, in the aggregate, simple and inexpensive.

### COURT OF QUEEN'S BENCH.

Nov. 4.—Lord Denman, C. J., said, “At the sittings in banc after last term, we intimated that we should, in this term, postpone the Special Paper till the sittings in banc after term. We shall accordingly take the New Trial Paper on Tuesdays and Fridays during the term, instead of the Special Paper. We do not feel justified in postponing the Crown Paper, and shall therefore take it as usual, on Wednesdays and Saturdays.”

The Right Hon. Sir Thomas Wilde, Knt., Lord Chief Justice of the Court of Common Pleas, by her Majesty's command, has been sworn of her Majesty's most Honourable Privy Council.

The Queen has been pleased to make the following legal appointments:—James Simms, Esq., to be Assistant Judge of the Supreme Court of Judicature in the island of Newfoundland; Edward Mortimer Archibald, Esq., to be her Majesty's Attorney-General for that island; and Charles Douglas Stewart, Esq., to be her Majesty's Solicitor-General for the island of St. Vincent.

MASTERS IN CHANCERY.—The Lord Chancellor has appointed the following gentlemen Masters Extraordinary in the high Court of Chancery:—Joseph Morton Barret, of Otley, in the county of York; Edward Lane Swatman, of Lynn, in the county of Norfolk.

LOCAL ACTS OF PARLIAMENT.—By a bill passed last session, (9 & 10 Vict. c. 106), notice must be given, on or before the last day of the present month, where it is intended to make an application to Parliament for an act for the establishment of any waterworks, or for draining, paving, cleansing, lighting, or otherwise improving any town, district, or place, or for making, maintaining, or altering any burial ground or cemetery, or for continuing, altering, or enlarging any of the powers or provisions contained in any act or acts relating to any of the purposes aforesaid. A notice in writing of such intention to apply to Parliament in the next ensuing session for an act for any of the above objects, “shall, on or before the last day of November, or in case such day shall fall on a Sunday, then on the day preceding, in each year, be sent or delivered to the office of the Commissioners of her Majesty's Woods, Forests, Land Revenues, Works, and Buildings; and such notice shall be signed by the promoters of such intended work, or by some person duly authorized on their behalf, and shall be accompanied by a statement in duplicate of the intended objects and provisions of the proposed act, and with such plans, sections, books of reference, or other documents, if any, as are required by the standing orders of either House of Parliament to be deposited in any public office.” The commissioners, on or before the 1st March in each year, are to appoint an officer to make local examination, and to report thereon to Parliament. The surveying officer to be appointed is to give public notice of his intention, and may summon persons and examine them on oath on the intended local act. The expenses of the inquiry are to be defrayed by the promoters of the undertaking. This act was passed, according to the preamble, to give facilities for procuring more complete and trustworthy information previous to inquiries before either House of Parliament on applications in certain cases for local acts.—*Times*.



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(Concluded from p. 441).

### LEGACIES.

*Where a Lapsed Legacy is undisposed of.*—Where a testator, after giving the residue of his property in trust for certain persons, in equal fourths, wills, that, in case the net residue shall be found to exceed a certain amount, that amount only shall be applicable to the trusts before declared; and he bequeaths all the residue of his property beyond that amount amongst certain other persons; and the residue does exceed that amount; and one of the first-mentioned legatees dies in the testator's lifetime, his share will not pass as residue to such other legatees, but is property undisposed of by the will: for the words of the will must determine the rights of the parties, although, according to this construction, if the residue were less than such amount, and all the first-named legatees pre-deceased the testator, the other legatees would take nothing, which cannot be supposed to have been the intention of the testator. *Green v. Pertwee*, 16 Jur. 538—V. C. W.

*Interest accrued during Minority.*—Where a testator gives a sum of money amongst certain children, to be paid at the age of twenty-one, with benefit of survivorship, and he wills that his trustees shall and may apply the interest towards their maintenance and education until their respective shares shall become payable, and that the trustees may apply the whole or any part of the principal at any earlier period than the same would become vested or payable, for the advancement of the infants; the representatives of a child who dies under age are not entitled to the interest accrued during his minority. *Skaffe v. Stewart*, 10 Jur. 299—V. C. E.

*Charged on Real Estate.*—Where a testator gives his residuary real and personal estate to his executors, and charges them with the payment of his legacies, this will amount to a charge of such legacies on the real estate, even though an annuity be formally charged by him on his real estate. *Cross v. Kennington*, 15 Law J. 167—M. R.

*Setting off a Legacy to a Wife against her Husband's Debt.*—Where the husband of a legatee has agreed with the executors to set off the legacy against a debt of equal amount due from him to the testator, and he and his wife have signed a receipt for the legacy, but have not released the executors, and it does not appear that they have delivered up the note to him; his wife, if she survives him, will be entitled to the legacy, in consequence of there being no release by, or payment to, the husband. *Harrison v. Andrew*, 13 Sim. 595.

See "Administration," "Annuity," "Mortmain," and "Survivorship."

MAINTENANCE—See "Legacies," Case 2.

### MANOR.

*Evidence of Reputation as to a Boundary of a Manor.*—Evidence of reputation is admissible as to the boundary of a reputed manor, that is, of a quondam manor, as well as of a subsisting manor; inasmuch as conversations during the existence of the manor might be retained in memory since; and, further, the supposed discourse, which may be proved as reputation, is not confined to tenants, but may proceed from any person residing in the neighbourhood, and engaged in talking upon the subject. *Doe d. Molesworth v. Sleeman*, 10 Jur. 568—Q. B.

### MARRIED WOMEN.

*Wife's Acquiescence in her Husband's Receipt of her separate Property.*—If a husband and wife join in appointing a person to receive the rents of an estate devised to her separate use by a member of her family, and such person pays the rents into a bank to the husband's account, although that bank be the bank of the wife's family, and not the bank of the husband, and the husband all along draws cheques for the money, some of which he applies to his own purposes, without any payment being made to the wife, or any claim being made by the wife to any part of the money, and at the death of the husband a large balance remains in the bank, it belongs to the husband's estate, and not to the wife; for she must be deemed to have acquiesced in his having the absolute dominion over the property; and nothing that takes place after his death can affect the balance which existed at his death, so as to give the wife a right to it after she acquiesced in his absolute dominion over the rents received in his lifetime, which constitute that balance; the question being, whether, at the death of the husband, the fund was his. *Beresford v. The Archbishop of Armagh*, 13 Sim. 643.

*Restraint of Anticipation of Property bequeathed for Separate Use.*—Where property is bequeathed to trustees, in trust to pay the income unto such person or persons, and for such intents and purposes, and in such manner, as a married woman, when and as the same shall become due, but not by way of assignment, charge, or other anticipation thereof, shall, notwithstanding coverture, direct or appoint; and, in default of any such direction or appointment, into her proper hands, for her sole and separate use, independent of the debts, contracts, or interference of her husband; and her receipts, notwithstanding coverture, are to be good and sufficient discharges to the trustees for such income; the limitation in default of appointment does not enable the married woman to anticipate. And the case does not depend on the form of the receipt clause. The feme is only to have a power of disposing of the income "when and as the same shall become due," and "not by way of assignment, charge, or other anticipation." In default of such a disposition as is authorised, the income is to be paid into her own hands. *Brown v. Bamford*, 10 Jur. 447—L. C.

*Her Right to a Fund invested in the joint Names of herself and her Husband.*—See "Trust," Case 3.

See "Power of Appointment."

### MISTAKE.

*Substituting a new Charge, without extinguishing the former one.*—*Far v. Sheriffe* and *Dykes v. Farr*, 4 Hare, 512. A statement of the point will be found ante, p. 198.

### MORTGAGE.

*Right of a Mortgagor's Surety to an Assignment of the Mortgage.*—A mortgagor's surety, who has been obliged to pay off the mortgage debt, cannot compel the mortgagee to assign the mortgage to him, unless he pays off a further sum advanced by the mortgagee on the security of the same estate; for the right of the surety to stand in the place of the mortgagee is subject to the right of the mortgagee to make a further loan to the mortgagor. *Williams v. Owen*, 13 Sim. 597.

*Bar to an Equity of Redemption by the Statute of Limitations.*—An assignment of a mortgage, to which the mortgagor is not a party, but which recites that the equity of redemption has not been barred, is not such an acknowledgment of the mortgagor's title as to save the right of redemption from being barred by the Statute of Limitations; for the acknowledgment mentioned by the act is one that is made to "the mortgagor or



some person claiming his estate," not to a person claiming the estate of the mortgagee. *Lucas v. Dennison*, 13 Sim. 584.

**Improper exercise of a Power of Sale.**—Although a mortgagee may have an express power of selling the mortgaged premises, without the consent or concurrence of the mortgagor, his executors or administrators, and without even being under any express obligation to give notice of sale, yet, if he exercises the power in spite of an offer of payment of principal, interest, and costs, within a few days from the time of such offer, and in such a way as not to obtain so large a price as might otherwise be reasonably obtained, the sale will be set aside, with costs, against the mortgagee. *Matthie v. Edwards*, 10 Jur. 347—V. C. B.

**Deposit of Title-deeds creating a Mortgage upon the whole Property.**—Where title-deeds are expressed to be deposited until payment of a debt, an equitable mortgage of the land is thereby created, and not a mere lien on the deeds themselves; and, *prima facie*, such a deposit creates an equitable mortgage upon the whole of the property comprised in them; so that, on those who contend the contrary lies the burden of proof that it does not. *Ashton v. Dalton*, 10 Jur. 451—V. C. B.

**Sale, after a Foreclosure, for less than the debt, and claim for the balance.**—Where a mortgagee forecloses an estate, and afterwards sells it for a less sum than the amount of his debt, he will not be allowed to prove for the deficiency under a bond for the debt, and a decree for the administration of the debtor's estate. *Lockhart v. Hardy*, 10 Jur. 532—M. R.

See "Admission," "Attorney," "Specific Performance."

#### MORTMAIN.

**Bequest for the Establishment of a Charitable "Receptacle," with a Limitation over.**—Where a testator gives the residue of his personal property upon trust for the establishment or institution of a charitable receptacle, if the same can be done, for a number of poor people; but if no such institution can be conveniently established, he requests that the property be disposed of in charitable donations; such a bequest is void under the Statute of Mortmain, on the ground that the primary and direct object is the acquisition of a dwelling-place for the charitable purpose, and it is only in case no such institution can be conveniently established, and not in case it cannot be lawfully established, that the bequest over is to take effect. *Attorney-General v. Hodgson*, 10 Jur. 300—V. C. E.

**Charity Legacies payable out of the proceeds of shares in a company.**—Where, by an act of Parliament or a deed, by which a gas light or dock company is constituted, it is provided that the shares in the land and other property and profits of the company shall be deemed personal estate, and transmissible as such, and not of the nature of real estate; and that upon a dissolution of the company, its property shall be sold, and the proceeds divided amongst the shareholders; and a shareholder, whose personal estate, exclusive of the shares, is insufficient to pay his legacies in full, gives legacies to charities, the shares do not come within the operation of the Statute of Mortmain, 9 Geo. 2, c. 36; and, consequently, the charity legacies ought not to abate, so far as they are payable out of the proceeds of the shares. For, a shareholder in such a company, whilst he continues to hold his shares, has no distinct or separate right to the land or any part of it: he is, indeed, interested in the employment of the land; but he cannot proceed against the land directly for anything which is due to him, or make any part of the land his own, in part satisfaction of any demand or claim he may have as a shareholder. And if, upon a dissolution or deter-

mination of the joint concern, he becomes an owner of any part of the land, it is only upon a new transaction, and by acquiring a new title and right as purchaser; and upon his death nothing descends to his heirs. *Sparling v. Partes*, 10 Jur. 448—M. R.

See "Condition."

PARENT AND CHILD,  
or person in loco parentis and child.

See "Fraud."

#### PARTITION

**of Copyholds held in Joint-tenancy.**—An agreement between two devisees in joint tenancy of copyholds and legatees under a will, to divide between them the real and personal estates of the testator, pointing out the parts to be taken by each, and acted on up to the time of the decease of one of them, by an occupation in severalty, will be deemed an agreement for a partition, and decreed to be specifically performed; although the survivor avows, in his answer, that the agreement was only intended as a suspension of the joint tenancy during the life of the deceased; and although there is a stipulation, that, if either party should disannul the agreement, he should pay a certain sum to the other. *Bolton v. Ward*, 4 Hare, 530.

#### PARTNERSHIP.

**Real Estate let to a firm by two of the members of that firm.**—Although real property, purchased by two partners, and used by them for partnership purposes, is to be considered in equity as personalty, yet, if it is afterwards used by a new firm, consisting of the first firm and of a third person, and a rent is paid for it by the new firm to the persons who constituted the first firm, it is to be considered as real estate of the latter. *Rowley v. Adams*, 7 Beav. 548.

#### POLICY.

**Right to surrender a Policy of Insurance effected by the grantee of an annuity on the life of the grantor.**—Where it is stipulated, that, in case the grantor of an annuity for his own life shall repurchase it, and shall, at the time of making such repurchase, by notice in writing to the grantee, elect to take any policy which may be effected on the life of the grantor by the grantee, at the grantee's expense, and which may be then vested in the grantee, the grantee shall assign the same, but that it shall not be incumbent on the grantor to effect, or renew, or keep on foot any such policy; the grantee has no right to surrender the policy, and appropriate the value thereof, after notice given by the grantor of his intention to repurchase, and thereby make it impossible to carry the agreement into effect. *Hawkins v. Woodgate*, 7 Beav. 555.

#### POWER OF APPOINTMENT.

**Construction of the words "during the coverture, and notwithstanding the same."**—Where a pre-nuptial settlement gives the intended wife a power of appointment "at any time or times thereafter during the coverture, and notwithstanding the same," such power cannot be exercised by her when a widow, or during any other coverture than that in contemplation of which such settlement was made. *Morris v. Hovess*, 4 Hare, 599.

**Whether executed.**—Where a testatrix, having a power of appointment in favor of her children, gives and bequeaths, and, by virtue of every power enabling her in that behalf, appoints all the property of or to which she is, or at the time of her death shall be, possessed or entitled, or have power to dispose, to trustees, upon trust, after payment of all her debts, funeral and

testamentary expenses, and legacies, to invest the residue thereof in their names in the public funds, or upon government or real securities, with power to vary such funds or securities, and to apply the interest and dividends for the benefit of her children, as therein mentioned; and the trustees of the will are the same persons who are trustees of the settlement creating the power; and the funds which are the subject of the power are already invested in stock in their names; and they have the same power by the settlement to vary the funds or securities as that which is given by the will; the will is not an execution of the power: for the funds which are the subject of the power are not subject to the payment of debts or funeral or testamentary expenses; and what the testatrix gives, in the case above mentioned, she gives as residue; and if she intended her will to be an appointment of the funds comprised in the settlement, the powers of investment given by the will would be unnecessary as to those funds. *Clogston v. Walcott*, 13 Sim. 523.

**POWER OF SALE**—See "*Conversion*," Case 8, "*Mortgage*," Case 2.

#### **PRESCRIPTION**

*to work mines under houses.*—A prescription or custom in a manor to work mines under houses, without making compensation for any damage occasioned to such houses, is bad, as being unreasonable. *Hilton v. Granville*, 1 Dav. & M. 614.

#### **PRESUMPTION**

*as to a Grant of land between a high road and other land which was granted.*—As between the grantees of different lands at different times from the same lord of a manor, no presumption arises that a strip of land between a high road and the land which was unquestionably comprised within the grant to one of them, was granted to that one. *White v. Hill*, 6 Adol. & Ell. 487.

#### **PRINCIPAL AND SURETY.**

*Promissory Note given to Bankers for a floating balance, placed by them to the credit of the principal.*—Where a person joins as surety in a promissory note, as a security for the floating balance which may at any time be due from the principal to his bankers, the surety is properly answerable for no more at any time than the floating balance may amount to; and the bankers have no right to give the principal credit in their books for the amount of the note, when he has overdrawn his account less than that amount; for the consequence of this would be, that the surety, even though the principal may not have drawn for the amount, might all at once be made answerable for it, since the principal has the immediate benefit of it, having a right to draw for it at once. *Archer v. Hudson*, 7 Beav. 551.

#### **RAILWAYS.**

*Injunction to restrain a Breach of a Covenant to stop at a Refreshment Station.*—"Trains sent Express."—Where, in a lease by a railway company, it is declared to be the intention of the parties, that, in consideration of the outlay to be incurred by the lessee in the erection of refreshment-rooms, the company shall give every facility to the lessee for enabling him to obtain an adequate return, by means of the profits of the refreshment-rooms, and that all trains carrying passengers, not being goods trains, or trains to be sent express or for special purposes, and except trains not under the control of the company, which shall pass the station where

such refreshment-rooms are situate, either up or down, shall, save in case of emergency or unusual delay arising from accident, stop there for the refreshment of passengers for a certain period; and the company thereby undertake not to do any act contrary to the above intimation; this is a legal binding covenant, the specific performance of which the Court of Chancery has jurisdiction to enforce by injunction; as, at law, the covenantees could only recover such speculative damages as a jury might give them in repeated actions against the company; and, for the purpose of a motion for an injunction, the company must be regarded as private individuals, and cannot be heard to excuse a breach of the covenant upon the ground of the convenience of the passengers. And if any trains regularly run by direction of the company, without stopping at the station for the purpose of affording the passengers an opportunity of taking refreshment, and such trains do not differ from the ordinary trains, except in the rate of travelling, they are not trains "sent express or for special purposes," within the exceptions in the covenant, although they are called "express trains" in the time table. *Rigby v. The Great Western Railway Company*, 10 Jur. 488—V. C. W.

But where the right to an injunction would depend on a disputed legal question, which the court will not decide, the court will not grant an injunction while such question continues to be in dispute, if the company undertake to pay such sum of money as may be assessed for damages for the violation of the covenant, to be ascertained by the court, so as to avoid the possibility of inflicting a wrongful and irreparable loss upon the company by means of an injunction, and yet avoid the difficulty of bringing numerous actions at law. *Id.* 561—L. C.

*Agreement of a Solicitor to exempt the Provisional Committee from a personal liability for Costs.*—An agreement between a solicitor of a company and the provisional committee, that they shall not be personally responsible to him for costs, but that the costs shall be paid out of the deposits, is not illegal, on the ground that it may diminish the security of the company, as cestuis que trust in regard to the conduct of the provisional committee. For, prima facie, trustees have a right to be indemnified by their cestuis que trust before they incur any liability. *Parsons v. Spooner*, 15 Law J. 155—V. C. W.

#### **REMOTENESS.**

*Alternative Limitation in case of dying "without leaving lawful issue as aforesaid."*—Where a testator devises real and personal estate, in trust for a person for life, and, after her decease, in trust for all and every such one or more of her child or children, lawfully begotten, as she shall appoint; and, in default of appointment, in trust for all and every her child and children, and to their respective heirs, executors, administrators, and assigns, for ever; but in case she should die without leaving lawful issue as aforesaid, then to her heirs, executors, administrators, and assigns, for ever; the words "as aforesaid" shew, that by "issue" the testator means "children;" and the limitations in default of appointment are alternative limitations to the child or children, and their respective heirs, executors, administrators, and assigns, if the tenant for life should leave any child or children; but, if she should not leave any child or children, then to her heirs, executors, and administrators; and, consequently, the limitation over is not too remote. *Walker v. Patchell*, 1 M., Gr., & Scott's C. B. Rep. 652.

*Limitation over of personal estate, in default of issue.*—Where a testator gives shares in an insurance office to his son, his executors, administrators, and assigns, his son paying the profits of certain of them to his daughters,

during their lives, and after their decease their shares to return to his son and his issue; and, in default of such issue of his son, he gives all the shares to his daughters and their issue, share and share alike; the limitation over to the daughters is void for remoteness; for in this clause there is nothing to shew, that the testator by the word "issue" means "children;" and, therefore, the word cannot be so construed, although, in a preceding limitation over, it does mean children. *Hodges v. Harper*, 10 Jur. 578—M. R.

RENT—See "Construction," Case 4.

RESIDUE—See "Construction," Case 2.

RESULTING TRUST—See "Hetr."

SATISFACTION—See "Jointure."

#### SETTLEMENT.

*Voluntary limitation of the wife's property in favor of her brothers and sisters.*—Where, by a pre-nuptial settlement, an estate, the property of the intended wife, is limited, in case she should die without children, to trustees, in trust to sell and divide the proceeds amongst her brothers and sisters; and afterwards the husband agrees to sell the estate, and he and his wife join in conveying it to a purchaser, by deed and fine, and the wife dies without issue, the limitation in favor of her brothers and sisters is voluntary, and void as against the purchaser, under the stat. 27 Eliz. c. 4. *Cotterell v. Homer*, 13 Sim. 506.

SOCIETY—See "Trust."

#### SPECIFIC PERFORMANCE

*of an Agreement to bar an Entail and re-settle an Estate.*—

*Right of Redemption.*—Where a father, tenant for life, and a son, tenant in tail, join in mortgaging an estate for a debt of the son, under an agreement between them to bar the entail and re-settle the estate, as to the remainder after the death of the father and mother, in case the father shall be obliged to pay any part of the interest upon the mortgage, or the son shall not pay off the mortgage by a certain day, and the father shall then pay it off and release the son therefrom, to the use of the father in fee, he covenanting to give the son or his issue a certain proportion of the estate, or of the value of such proportion thereof; and the father neither pays off the debt, nor releases the son from it; in such case, the court will not, after the father's death, enforce the specific performance of the agreement, although the father has paid the interest until his death, and his devisees have paid off the mortgage; for as, in the case supposed, the father does not release the son from the debt, a state of things existed for which the agreement did not provide, and as to which it was inoperative. And as the court will not decree a specific performance, the original rights of the parties, irrespective of the agreement, remain, and, therefore, the son is entitled to redeem the estate upon repayment of the mortgage debt and the interest. *Playford v. Playford*, 4 Hare, 546.

SET-OFF—See "Vendor and Purchaser," Case 10.

#### STATUTE OF LIMITATIONS.

*Bar of a collateral security for a debt.*—Assignment of debts and legacies.]—Where property is conveyed

to a creditor, upon trust to sell for payment of his debt, and then of the debt of a prior creditor; and the prior creditor and the debtor jointly and severally covenant to pay the debt of the subsequent creditor; and the debtor, as a security to the prior creditor, executes a deed appointing the prior creditor his attorney to receive certain debts due to him and certain expectant legacies for the prior creditor's own benefit; and the subsequent creditor sells the property not so long as twenty years before the filing of a bill by the prior creditor, and for a less sum than the amount of his debt; and more than twenty years elapse from the execution of the subsequent security to the prior creditor, without any acknowledgment by the debtor of the prior debt; that deed operates as a valid assignment in equity of the debts and legacies due to the debtor, notwithstanding the Statute of Limitations. For, as the trust existed up to the time of the sale, and within twenty years, the debt due to the prior creditor is not barred by the statute; and as the debt exists, and the subsequent deed executed as a security to the prior creditor is only a collateral security for the debt as primarily secured by the trust, such subsequent deed continues to be operative. *Bennett v. Cooper*, 10 Jur. 507—M. R.

*Receipt of rent under a lease.*—Where a person not entitled has received rent for twenty years, under a valid lease, made prior to the act, the party rightfully entitled to the land in reversion would be barred by the 9th section of the Statute of Limitations, 3 & 4 Will. 4. c. 27, if his right were not saved by the 15th section; but it is saved by the 15th section, if asserted by an action within five years from the passing of the act; for "the possession and receipt of the profits of the land" is not adverse to the party rightfully entitled, since the possession and receipt were under a valid lease; and the words "receipt of rent," in this section, do not refer to rent reserved on a lease. *Doe d. Angell v. Angell*, 15 Law J. 193—Q. B.

*Right of a person entitled subject to a tenancy at will.*—The Statute of Limitations, 3 & 4 Will. 4. c. 27, s. 7, as to the accrual of a right of a person entitled subject to a tenancy at will, does not apply where the tenancy at will was determined before the passing of the act. *Doe d. Evans v. Page*, 1 Dav. & M. 601.

See "Mortgage," "Waste."

STATUTE 32 Hen. 8, c. 9—See "Vendor and Purchaser," Case 6.

STATUTE 27 Eliz. c. 4—See "Settlement."

STATUTE 1 Will. 4, c. 47, s. 12.

The stat. 1 Will. 4, c. 47, s. 12, does not apply to a case of a mere equitable estate for life, where, in consequence of the disclaimer of a person named as trustee for the life of the cestui que trust, the legal estate has devolved on the heir, not by devise, but by descent. *Heming v. Archer*, 7 Beav. 515.

STATUTE 1 & 2 Vict. c. 110, s. 13—See "Debtor and Creditor."

#### SURVIVORSHIP.

*Word "Survivor" referring to the time of the death of a prior taker.*—"Issue" meaning "Children."—Where a testator directs his trustees to sell real estate when they shall think proper and convenient, and he devises and bequeaths such real estate, and the proceeds thereof, and his personal estate, in trust for a person for life, and, after his decease, to convey and pay the

same to the children of that person, or the survivors of them, their several heirs, executors, administrators, and assigns, for ever, when and as they shall attain twenty-one; but, in case such person shall die without leaving any children him surviving, or, there being such, they shall all die under twenty-one and without issue, then upon trust to convey and pay the same property to the children of two other persons and the survivors of them, share and share alike; but, in case any of such children shall be then dead, leaving issue, such issue shall have the original share of the father or mother of such issue so dying, and the share or shares to which such father or mother may be entitled by survivorship or otherwise: in such case the word "issue" means "children," being so explained by the word "children," and by the expressions "father or mother of such issue;" and the survivorship is to be referred to the period of division, namely, the death of the tenant for life; and the property is given to the children of the two persons before mentioned living at the date of the will, and those born after that date and before the period of division; with a proviso for survivorship between them in case any should die before the period of division, without leaving children; and with a proviso substituting for the original legatees the children of such of them as should die before the period of division, leaving children, and giving to such children absolute interests, so that, if they die before the period of division, their representatives will take. *Buckle v. Fawcett*, 4 Hare, 536.

**Word "Survivor" referring to the time of the decease of a prior Taker.]**—Where a testator bequeaths money upon trust for his wife for life, remainder for his daughter for life, and, upon her demise, the interest to be appropriated for the use of any of her children, until they reach the age of twenty-one years, and then the principal sum to be paid to the survivor or survivors of the children of his daughter, share and share alike, the survivorship refers to the time of the death of the daughter; so that a child who attains twenty-one, but dies before the daughter, takes nothing. *Turing v. Turing*, 10 Jur. 366—V. C. E.

See "Contingent Interest," "Vested Interest."

#### TRUST.

**Where a Debt due from a Trustee is a Specialty Debt.]**—Although a mere breach of trust creates only a simple contract debt, yet, where it is declared by a deed under seal, that a person, his executors, administrators, and assigns, shall stand possessed of certain funds upon trust for another; a sum due to the cestui que trust from the estate of the trustee, in respect of such funds made use of by him, is a specialty debt. *Wood v. Hardisty*, 10 Jur. 486—V. C. B.

**Mortgage of Shares by a Trustee.—Notice of a Trust.]**—Where a person buys shares in a company in the name of another person, and does not give notice to the company that the latter is a trustee of those shares for him; and the trustee mortgages them, and the mortgagee gives notice of the mortgage to the company, the mortgagee is entitled to a priority over the cestui que trust; the trustee's knowledge of the trust not amounting to notice to the company, although he, as a shareholder, is a partner in the company. *Martin v. Sedgwick*, 10 Jur. 463—M. R.

**Direction to invest in joint names of husband and wife, in trust for their son.]**—If a person directs his bankers to invest a sum of money in stock in the joint names of himself and his wife, in trust for his son; and the bankers return an answer, that, as the Bank of England object to have any trusts in their books, the bankers had simply invested the money in the names of himself and his wife; and he afterwards directs them

to invest another sum in the same manner, and he deals with the two sums as his own property, and the dividends thereon are carried to his account; on his decease in the lifetime of his wife, the stock forms part of his assets, and does not belong to his wife as survivor, nor to his son as a cestui que trust. *Smith v. Ward*, 15 Law J. 105—V. C. E.

**Society incorporated for public purposes.]**—Where property is vested in a society incorporated by royal charter, for the accomplishment of purposes of a general and public or political nature, (as for the formation of a colony or settlement), and, according to the constitution of the society, certain other bodies, although interested in any surplus that may remain from time to time, after those purposes are accomplished, are not entitled to control the exercise of the powers which are given to the society for such purposes; the Court of Chancery has no jurisdiction, upon the application of those bodies, to determine upon the propriety of the expenditure which has been made by the society, even though the society may have erroneously admitted itself to be a mere trustee for those bodies. *The Skinners' Company v. The Irish Society*, 7 Beav. 593.

**Injunction against using a Scotch Kirk as a Free Church.]**—Where, according to the intention of the founders of a place of worship, it was to correspond in all respects with a church situated in Scotland, subject to the jurisdiction of a Scotch presbytery, and in strict communion with the Established Church of Scotland, the Court of Chancery will prevent it from being used as a place of worship in connexion with the Free Church of Scotland. *Attorney-General v. Welsh*, 4 Hare, 572.

**Words of Recommendation.]**—Where a testator, after bequeathing certain specific chattels to the use of his wife, adds, that they "may be finally appropriated as she pleases, with a sum" of money, which, "however," he "recommends her to divide" among certain persons, no trust is created in their favor; because she would not have the power to appropriate this sum as she pleases, if she were bound to comply with the recommendation in the will. The different parts of the will can only be reconciled by holding, that the testator, while he recommends the money to be appropriated in a particular way, leaves it to his wife's discretion to adopt his recommendation, or not. And the court will not carry the doctrine of the cases, in which words of recommendation have been held to create a trust, any further than it has been already carried. *White v. Briggs*, 15 Law J. 182—L. C.

See "Construction," Case 2.

#### TRUSTEES.

**Opinion taken by a person named a Trustee without his sanction.]**—A person who has been named as a trustee of a term, in a deed of assignment thereof, without his sanction, and, on his refusal to assign the term to other trustees, is called upon to execute a deed of disclaimer, is justified in taking the opinion of counsel on his obligation to execute such deed, and will be allowed the costs of taking the opinion. *In re Tryon*, 7 Beav. 496.

**Devise and bequest of Trust Property by surviving Trustee.]**—Where a testator devises and bequeaths real and personal estate, on certain trusts, to be performed by the trustees named, and the survivors and survivor, and by the heirs and assigns, or the executors or administrators of the survivor, and the will contains no power to appoint new trustees, and the surviving trustee devises and bequeaths the trust estates and monies to certain persons, upon the trusts of the first will; this is a valid devise and bequest to them upon those trusts. For, although it would be a breach of trust in a trustee, even a sole surviving trustee, in the absence of a power

for that purpose, to vest the trust property in any other person by a disposition *inter vivos*, because he cannot transfer that personal confidence which the testator placed in him; yet this is not the case with a disposition by will, because, at the death of the last surviving trustee, there must be a devolution or transmission of the property to some one or more persons not immediately or directly trusted by the author of the trust; the property must pass either to the *hæres natus*, or heir-at-law, or to the *hæres factus*, or devisee or legatee, of the surviving trustee; and there is more probability of inconvenience arising from its passing to the heir-at-law, if there is one, since the heir-at-law may be a married woman, an infant, a lunatic, a bankrupt, or out of the jurisdiction. And when the word "assigns" occurs, as in the above case, the validity of such a devise and bequest is the more clear, inasmuch as some rational and legal effect must, if practicable, be ascribed to that word; and as it cannot, consistently with the rules of the Court, be considered to mean "assignees by deed," it may be fairly deemed to mean "persons who may be made such by devise and bequest." *Tutley v. Wolstenholme*, 7 Beav. 436.

**Responsibility for neglect of bankers in not investing money.**—Where a trustee deposits trust monies with his bankers, with a direction to invest the same in Consols, but he makes no inquiry respecting it until some months afterwards, when the bankers become bankrupts; he is answerable for the loss occasioned by the omission of the bankers to invest it. *Challen v. Shipman*, 4 Hare, 555.

**Not investing as directed.**—Where trustees are directed to invest personal estate in government or real securities, but some of the cestuis que trust and one of the trustees permit the trust funds to remain in the hands of the other trustees at interest, and he fails; the trustees are chargeable with the amount of the trust funds possessed by them, with interest, and not with what they might have received had they invested in the funds; because, inasmuch as they had an option to invest in either, it is impossible to ascertain the amount which they ought to have received, and they could not be charged with the specific loss resulting from an act (namely, an investment in the funds) not having been done, which they were not imperatively bound to do. *Shepherd v. Moulis*, 4 Hare, 500.

See "Executors," "Railway," Case 2.

UNDERLEASE—See "Vendor and Purchaser," Case 10.

#### VENDOR AND PURCHASER.

**Part payment of Purchase-money.—Re-sale of goods by the Vendor.—Assignment by the Purchaser for the benefit of creditors.**—Where a purchaser pays part of the purchase-money of goods, and allows them to remain in the vendor's possession, and the vendor assents to a deed of assignment executed by the purchaser for the benefit of his creditors who shall execute the deed, and afterwards re-sells the goods for a sum less than the balance due to him from the first purchaser, he cannot claim a dividend with the other creditors of the first purchaser upon the balance of the purchase-money; for, by assenting to the deed, the vendor ceased to have any property in the goods, which passed, under the deed, to the assignees, and he took instead a dividend under the trusts of the deed. *Bush v. Shipman*, 10 Jur. 507—L. C.

**Sale of a share of a Patent.—When Time is of the essence of a Contract, as regards payment of the consideration.**—Where a patentee agrees to give another person a share of the patent, in consideration as well of other sums to be previously paid at various times, as of a certain sum to be paid by a particular day, to be ap-

plied in taking out foreign patents, and the latter sum is not paid by that day, nor previously to the time for inrolling the specification; the patentee is entitled to rescind the contract, notwithstanding his acceptance of other sums at other times than those which were fixed by the agreement; for, time was of the essence of the contract in regard to the payment of the latter sum, because it is most important that the patentee should have the means of obtaining foreign patents before the specification is published to the world. *Payne v. Bonner*, 15 Law J. 227—V. C. E. and L. C.

**Abandonment of the Contract by the Purchaser.**—Where a purchase of an estate is to be completed by a certain day, and the contract provides, that, in case the vendor shall be unable to obtain the concurrence of all the requisite parties in the conveyance, each party may rescind the contract on notice in writing; and it appears, from the correspondence between the vendor and purchaser, that it was well understood that certain persons should be parties, and yet their concurrence is not procured by the vendor by the time appointed for the completion of the purchase, and a month after that time the purchaser gives notice of his abandonment of the contract, and the concurrence of the parties above mentioned is not procured till some months afterwards, the Court will not enforce a specific performance of the contract at the suit of the vendor. *Benson v. Lamb*, 15 Law J. 218—M. R.

**Presumption of the existence of a probate or letters of administration.**—Probate or letters of administration will not be presumed, in support of the title to a term, from a possession of sixty years, where it is not necessary to admit the existence of a probate or letters of administration, in order to account for that possession. *Doe d. Woodhouse v. Powell*, 15 Law J. 189—Q. B.

**Sale by a hospital to a corporation.**—Where the officers of a hospital are chosen from the members of a corporation, the two bodies are not sufficiently independent to be capable of contracting with each other for the sale of real estate by the former to the latter. *Attorney-General v. The Mayor of Plymouth*, 15 Law J. 109—M. R.

**Sale of a term by an administrator out of possession.**—A sale, by an administrator, of a term of which the intestate died possessed, but which, since his death, has been in the adverse possession of other persons for several years, and of which the administrator never had possession, is void, as well at common law as by the stat. 32 Hen. 8, c. 9. *Doe d. Williams v. Evans*, 1 M., Gr., & Scott, 717.

**Specific performance of agreement for sale of a property, part of which is liable to be destroyed.**—Where a person contracts to sell a wharf, with a jetty, which is essential to the beneficial enjoyment of the wharf, but is liable to be removed at any time by the local authorities, and that circumstance is not mentioned by the vendor prior to the contract, a specific performance of the agreement will not be decreed. *Peers v. Lambert*, 7 Beav. 548.

**Specific performance of an agreement for sale of a lease, where there will be a liability in respect of the neglect of the lessees.—Covenant—Indemnity—Compensation.**—Where a leasee covenants to build some additional houses within a certain time, and well and sufficiently to repair the houses already built, and thereafter to be built, and all the premises thereby demised, so well and sufficiently repaired, to deliver up at the end of the term, but he does not build the additional houses; in such case, although the lessor, by accepting rent after the expiration of the time limited for building the houses, waives that part of the covenant by which the lessee agreed to build, yet the covenant to deliver up the houses extends to the additional houses, as well as to the houses built at the date of the deed; and, al-

though the purchaser might relieve himself from the consequences of a breach of the covenant by assigning the term to a pauper for the last day of the term, yet the lease is bad, for he ought not to be compelled to adopt any such expedient; and the purchaser is not bound to accept the title with an indemnity; and the amount of the liability cannot be ascertained, so as to render it a fit subject for a compensation. *Nouville v. Flight*, 7 Beav. 521.

*Agent setting off a Debt due from himself to the Purchaser against part of Purchase-money.*—If a vendor employs an agent to receive the purchase-money, and the agent sets off a debt due from himself to the purchaser against a part of the purchase-money, and then represents to the vendor, that he, the agent, had received the full amount of the purchase-money, and the vendor signs a receipt for the same, and executes a conveyance, the purchaser will still be liable for the amount not actually paid to the agent, but retained in respect of the agent's debt. *Young v. White*, 7 Beav. 506.

*Sale of a term, with the advantage of an improved rent reserved on an underlease made by the termor after a mortgage of the whole term.*—If a termor for years, after mortgaging the whole term, and making default in payment of the mortgage debt at the time appointed, makes an underlease, and then agrees to sell the whole term, with the advantage of the improved rent reserved on the underlease, he can make a good title, if the mortgagee reconvey to him all his interest; for, the underlease, though originally by estoppel only, (the termor having parted with all his interest to the mortgagee), becomes a lease in interest by the reconveyance by the mortgagee. *Webb v. Austin*, 7 M. & Gr. 701.

#### VESTED INTEREST.

*Limitation to the testator's right heirs of his own name.*—*Wrightson v. Macaulay*, 4 Hare, 487. This case was sent for the opinion of the Court of Exchequer: a statement of the point decided will be found in 10 Jur. 214.

*Necessity of surviving a prior taker.*—Where a testator gives the proceeds of his residuary property upon trust for such of the children of a person as may be living at the time of the decease of the tenant for life, and the issue of such of them as may be then dead, in equal shares, such issue respectively, however, only taking the share or shares which his, her, or their parent or parents would have taken, if living; and some of the children die leaving issue; and such issue also die in the lifetime of the tenant for life, such issue take a vested interest, transmissible to their representatives. *Ligon v. Coward*, 10 Jur. 486—V. C. E.

See "*Contingent Interest*," "*Heir*."

WAIVER.—See "*Waste*," Case 2.

#### WASTE.

*Cutting down pollard willow-trees.*—If a lessee for years cuts down pollard willow-trees, leaving the stools or butts, from which they will shoot afresh, it is not waste, where they are not timber by the custom of the country, and do not shelter or ornament the house, or protect the bank of a river, or are not intended as a permanent shade to beasts while depasturing. *Phillips v. Smith*, 14 Mee. & W. 589.

*Equitable Waste by Tenant for Life.*—Time fixed by the Statute of Limitations, not running till his death.—*Waiver of compensation for Waste.*—Where a tenant for life, without impeachment of waste, pulls down a mansion, and cuts down the ornamental timber around it, and sells the materials and the timber, this is equitable waste, although the inheritance may have been im-

proved in pecuniary value; and the remainderman may either file his bill in respect thereof at or soon after the time of the commission of such waste, or he may defer doing so until the death of the tenant for life; and the time fixed by the Statute of Limitations will not begin to run until the death of the tenant for life. And in case he files the bill then, the estate of the tenant for life is liable to account to the remainderman for all the profit received by means of such acts of waste, with interest at 4l. per cent. from the time of the decease of the tenant for life; although the remainderman may have made no specific claim in respect of the waste during the lifetime of the tenant for life, but stated, in the course of certain negotiations with the tenant for life, that he was not desirous of founding any specific claim, but he could not but think due consideration ought to be had to the circumstance of the commission of waste. *Duke of Leeds v. Earl Amherst*, 10 Jur. 509—V. C. E.

#### WILL.

*Instrument partially testamentary.*—An instrument may operate as a will, though it be only partially testamentary. So that, where a person, in the same instrument, appoints his mother to be his attorney for him, and in his name, and to his use, to demand and recover the possession or rent of a house, and to retain all proceeds for her own use, until his return to England; or, in the event of his death, he thereby assigns and delivers to her the sole claim to the property, to be held by her during her life, and disposed of by her at her death; the latter part of this is a valid will. *Doe d. Cross v. Cross*, 15 Law J. 217—Q. B.

*Publication.*—Where an attestation is made in this form, "We, the undersigned, attest to have seen the above testator sign the above will," it is sufficient evidence that the will was published; for it is an attestation that the witnesses saw the testator sign what they knew to be his will; and hence it must be presumed, that by some words or acts he made known to them that it was his will; and by what words or acts is immaterial. *Bartholomew v. Harris*, 15 Law J. 166—V. C. E.

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### London Gazette.

TUESDAY, NOVEMBER 3.

INSOLVENT.

EDWIN CHURCH EVERITT, Leadenhall-street, London, out of business.

BANKRUPTS.

SARAH WILCKE, Fore-street, Cripplegate, London, wholesale milliner, dealer and chapwoman, Nov. 12 at 12, and Dec. 19 at half-past 12, Court of Bankruptcy, London: Off. Ass. Alsager; Sol. Pike, Old Burlington-street, Bond-street.—Fiat dated Nov. 2.

LYDIA WOOD and CHARLES HENRY WOOD, Wil-low-walk, Bermondsey, Surrey, carpenters and builders, and copartners in trade, Nov. 20 at 1, and Dec. 14 at half-past 11, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Peace & Jones, Tooley-street, Southwark.—Fiat dated Oct. 30.

JOHN KING, Buckingham, Buckinghamshire, scrivener, Nov. 12 at half-past 2, and Dec. 17 at 2, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Risley, Furnival's-inn.—Fiat dated Oct. 12.

GEORGE KNIGHT, Weybridge, Surrey, dealer in manure, dealer and chapman, Nov. 12 at half-past 12, and Dec. 17 at 1, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Sadgrove, Mark-lane.—Fiat dated Oct. 26.

ROBERT CROW, Newcastle-upon-Tyne, draper, Nov. 13 at half-past 10, and Dec. 11 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Wakley; Sols. Harle, Newcastle-upon-Tyne; Chisholme & Co., 64, Lincoln's-inn-fields, London.—Fiat dated Oct. 26.

JOSEPH HALL, Carlisle, Cumberland, victualler, inn-keeper, dealer and chapman, Nov. 16 at 11, and Dec. 15 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Hoyle, Newcastle-upon-Tyne; Hill & Mathews, St. Mary-axe, London.—Fiat dated Oct. 23.

SAMUEL RODEN, Wellington, Shropshire, retail brewer, Nov. 14 at 11, and Dec. 8 at half-past 10, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Mottram & Knowles, Birmingham.—Fiat dated Oct. 14.

THOMASTHOMAS, Ibtstock, Leicestershire, draper, dealer and chapman, Nov. 14 at 11, and Dec. 8 at half-past 10, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Cowdell, Hinckley; James, Birmingham.—Fiat dated Oct. 23.



**MARY DENT**, *Widow*, bookbinder, dealer and chapwoman, Nov. 17 and Dec. 8 at 11, District Court of Bankruptcy, Leeds: *Off. Ass. Hope*; *Sols. Wood*, York; *Jeques & Co.*, Ely-place, London.—*Filed dated Oct. 26.*

**DANIEL BURTON and JOHN BURTON**, Middleton, Lancashire, cotton spinners, drapers, chapmen, and co-partners, (trading under the firm of *Daniel Burton & Co.*), Nov. 13 and Dec. 8 at 12, District Court of Bankruptcy, Manchester: *Off. Ass. Hobson*; *Sols. Siddall & Co.*, Manchester; *Bower*, 6, Tokenhouse-yard, London.—*Filed dated Oct. 28.*

#### Merchants.

*Daniel Wade Acraman*, *W. Edward Acraman*, and *Alfred John Acraman*, Beistot, merchants, Nov. 19 at 11, District Court of Bankruptcy, Bristol, *pr. d. esp. est. of Alfred John Acraman*; Nov. 18 at 11, *pr. d. esp. est. of W. E. Acraman*.—*Francis Syder*, Fakenham, and *Wells*, near Fakenham, Norfolk, and of *Hitchin*, Herts, grocer, Nov. 4 at 12, Court of Bankruptcy, London, last ex.—*Wm. Mitchell*, Wastarham, Kent, draper, Nov. 10 at 12, Court of Bankruptcy, London, last ex.—*Wm. White*, Morpeth-street, Bethnal-green, Middlesex, builder, Nov. 7 at half-past 2, Court of Bankruptcy, London, last ex.; Nov. 25 at half-past 11, and *ac.*—*John Pazel*, Norwich, carpenter, Nov. 6 at 11, Court of Bankruptcy, London, last ex.—*Edward Philpot*, Ludlow, Shropshire, timber dealer, Nov. 24 at 10, District Court of Bankruptcy, Birmingham, last ex.—*I. Sansome*, Coventry, ribbon manufacturer, Nov. 19 at 11, District Court of Bankruptcy, Birmingham, last *ac.*—*Thomas Wright*, Derby, cheese factor, Nov. 21 at 11, District Court of Bankruptcy, Birmingham, last ex.—*T. Crane*, Keworth, Leicestershire, common brewer, Nov. 10 at 10, District Court of Bankruptcy, Birmingham, last ex.—*Fred. Butler*, Stafford, ironmonger, Nov. 10 at 10, District Court of Bankruptcy, Birmingham, last ex.—*Joseph Clarke*, Plymouth, Devonshire, innkeeper, Nov. 25 at 11, District Court of Bankruptcy, Exeter, and *ac.*; Nov. 26 at 1, *div.*—*Th. Williams*, Renchurch-street, London, merchant, Nov. 25 at 12, Court of Bankruptcy, London, and *ac.*—*John Edward Campbell Koch*, Great Winchester-st., London, East India merchant, Nov. 30 at 12, Court of Bankruptcy, London, and *ac.*—*John Boddington*, Manchester, corn dealer, Nov. 25 at 11, Court of Bankruptcy, London, and *ac.*—*G. Freeman*, Croydon, Surrey, general dealer, Nov. 25 at 11, Court of Bankruptcy, London, and *ac.*—*Wm. Mills*, Foster-lane, London, glove manufacturer, Nov. 25 at 12, Court of Bankruptcy, London, and *ac.*—*Wm. Sheffield and John Sheffield*, Lower Acton-place, Bagnigge-wells-road, Middlesex, grocers, Nov. 25 at 12, Court of Bankruptcy, London, and *ac.*—*B. Hugh Bullock*, Nicholas-lane, London, wine merchant, Nov. 25 at half-past 11, Court of Bankruptcy, London, and *ac.*—*Jos. Thorley*, Newman-st., Oxford-st., Middlesex, cabinet maker, Nov. 26 at 12, Court of Bankruptcy, London, and *ac.* and *div.*—*Seth Richard Beane*, Coppice-row, Clerkenwell, and Midden-lane, Islington, Middlesex, beer-shop keeper, Nov. 26 at 1, Court of Bankruptcy, London, and *ac.* and *div.*—*Ed. Gardner*, Fieldgate-st., Whitechapel, Middlesex, manufacturing chemist, Nov. 26 at 11, Court of Bankruptcy, London, and *ac.*—*Wm. Rouse*, Neptune-street, Rotherhithe, Surrey, baker, Nov. 26 at 11, Court of Bankruptcy, London, and *ac.*; at 12, *div.*—*Thos. Hansen*, Leeds, Yorkshire, builder, Nov. 25 at 11, District Court of Bankruptcy, Leeds, and *ac.*; Nov. 26 at 11, *div.*—*John Park*, Wortley, Leeds, Yorkshire, woollen cloth manufacturer, Nov. 25 at 11, District Court of Bankruptcy, Leeds, and *ac.*; Nov. 26 at 11, *div.*—*Jas. Clarkson*, Barnaley, Yorkshire, plumber, Nov. 25 at 11, District Court of Bankruptcy, Leeds, and *ac.*; Nov. 26 at 11, *div.*—*Wm. Watts*, Doncaster, Yorkshire, millwright, Nov. 26 at 11, District Court of Bankruptcy, Leeds, and *ac.*; Nov. 27 at 11, *div.*—*Henry Rawson Morley*, Kingston-upon-Hull, merchant, Nov. 25 at 10, Town-hall, Kingston-upon-Hull, and *ac.*—*John Robinson*, Beverley, Yorkshire, spirit merchant, Nov. 25 at 11, District Court of Bankruptcy, Kingston-upon-Hull, and *ac.*—*Thos. Taylor*, Newcastle-upon-Tyne, grocer, Nov. 26 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, and *ac.*; Nov. 27 at 1, *div.*—*Wm. Chambers*, Southwick, Durham, shipwright, Nov. 27 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, and *ac.*—*Peter Hansen*, Newcastle-upon-Tyne, merchant, Nov. 27 at half-past 10, District Court of Bankruptcy, Newcastle-upon-Tyne, and *ac.*—*Thomas Hutchinson*, Sunderland, and *Wingate*, Durham, tea

dealer, Nov. 26 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and *ac.*; Nov. 27 at 11, *div.*—*John Holt*, Manchester, banker, Nov. 26 at 12, District Court of Bankruptcy, Manchester, and *ac.*; Nov. 27 at 12, *div.*—*David Thomas*, Manchester, merchant, Nov. 27 at 12, District Court of Bankruptcy, Manchester, and *ac.*—*Wm. Knight*, Manchester, oil cloth manufacturer, Nov. 26 at 12, District Court of Bankruptcy, Manchester, and *ac.*—*Francis Freeman Phillips*, Bristol, coach maker, Nov. 27 at 11, District Court of Bankruptcy, Bristol, and *ac.*—*John Massey*, Strarke, Staffordshire, gas fitter, Nov. 24 at 10, District Court of Bankruptcy, Birmingham, and *ac.*—*Alfred Wm. J. Mason*, Birmingham, builder, Nov. 24 at 10, District Court of Bankruptcy, Birmingham, and *ac.*—*Jas. Milner*, Stourport, Worcestershire, innkeeper, Nov. 24 at 10, District Court of Bankruptcy, Birmingham, and *ac.*—*Wm. Poynter*, Upper Holloway, Middlesex, warehouseman, Nov. 24 at 12, Court of Bankruptcy, London, *div.*—*Ed. Harwood Drace* and *Jas. Allen*, Mitre-court, Milk-st., Chapside, London, warehousemen, Nov. 24 at 1, Court of Bankruptcy, London, *div.*—*Jos. Graham*, Jewry-street, Aldgate, London, wholesale stationer, Dec. 1 at 2, Court of Bankruptcy, London, *div.*—*William Kitten*, White-st., Southwark, Surrey, soap manufacturer, Nov. 27 at 2, Court of Bankruptcy, London, *div.*—*Joseph Sewell*, Great Dunmow, Essex, grocer, Nov. 25 at half-past 1, Court of Bankruptcy, London, *div.*—*John Cookcroft*, *John Cookcroft Cookcroft*, and *Wm. Cookcroft*, Addingham, Yorkshire, stuff manufacturers, Nov. 27 at 11, District Court of Bankruptcy, Leeds, *fin. div.*—*Don. Ambrose*, Audley, Staffordshire, apothecary, Nov. 24 at 10, District Court of Bankruptcy, Birmingham, *div.*

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on the Day of Meeting.*

*Henry Browne*, Ferdinand-terrace, Hampstead-road, Middlesex, surgeon, Nov. 27 at 12, Court of Bankruptcy, London.—*John Newstead*, Regent-st., Middlesex, laceman, Nov. 24 at 12, Court of Bankruptcy, London.—*James Alex. Thomas Mathews*, Great Dover-road, Newington, Surrey, glass merchant, Nov. 25 at 2, Court of Bankruptcy, London.—*William Mitchell*, Finabury-place South, London, and Upper Fitzroy-street, Fitzroy-square, Middlesex, and Kent-street, Southwark, Surrey, furniture dealer, Nov. 24 at 12, Court of Bankruptcy, London.—*John Bird*, Chester-le-street, Durham, out of business, Nov. 25 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne.—*John Brooks*, Glastonbury, Somersetshire, currier, Nov. 27 at half-past 11, District Court of Bankruptcy, Bristol.—*Benjamin Scott*, Bath, Somersetshire, seedsman, Dec. 3 at 12, District Court of Bankruptcy, Bristol.—*John Thomas Fenton*, Llanelly, and Kilgadan, Llandwello, Carmarthenshire, brickmaker, Dec. 3 at 11, District Court of Bankruptcy, Bristol.—*George England*, Brimscombe, Minchinhampton, Gloucestershire, clothier, and Basinghall-street, London, cloth factor, Dec. 1 at —, District Court of Bankruptcy, Bristol.—*Thomas Barrett*, Stroud, Gloucestershire, general wood turner, Dec. 4 at 11, District Court of Bankruptcy, Bristol.—*Maurice Jones*, Liverpool, saddler, Nov. 24 at 11, District Court of Bankruptcy, Liverpool.—*George Grant*, Kidderminster, Worcestershire, tailor, Dec. 8 at 11, District Court of Bankruptcy, Birmingham.—*Wm. Mullinger Higgins*, Birmingham, laceman, Dec. 5 at 12, District Court of Bankruptcy, Birmingham.—*Samuel Hawley*, Ashton-under-Lyne, Lancashire, grocer, Nov. 26 at 12, District Court of Bankruptcy, Manchester.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Nov. 24.*

*Edward Foley*, Stoke Newington-green, Islington, Middlesex, licensed victualler.—*Alfred Wilkey*, Oxford-street, Middlesex, hatter.—*Edward Speller*, Berners-street, Oxford st., Middlesex, tea dealer.—*George Maggs*, Bristol, linen-draper.—*John Kirkham*, Lupus-street, Fimliss, Middlesex, butcher.—*Richard Gill*, Richmond, Yorkshire, grocer.—*Wm. Tew*, Halifax, Yorkshire, corn dealer.—*Thomas Shorrell*, Ludgate-street, Ludgate-hill, London, tailor.—*James Sorby*, Sheffield, Yorkshire, scrivener.—*James Gill*, Liverpool, wine merchant.

#### FIATS ANNULLED.

*Henry Payne*, Golden-terrace, White Conduit-fields, Middlesex, builder.—*William Smith*, Tanners'-hill, New-town, Deptford, Kent, potato dealer.—*John Deland*, Manchester, hardwareman.

## PARTNERSHIP DISSOLVED.

*Charles Dod and George Wray*, Great Marlborough-street, Middlesex, attorneys and solicitors.

## SCOTCH SEQUESTRATIONS.

*Andrew Miller*, Strathaven, Lanarkshire, coach proprietor.  
—*Patrick Barr Parker*, Glasgow, warehouseman.—*James Strachan*, Aberdeen, farmer.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained the Interim Orders for Protection from Process.*

*William Young*, Margate, Kent, blacksmith, Nov. 26 at 11, Court of Bankruptcy, London.—*Fred. Arttry*, Aveyley, Essex, veterinary surgeon, Nov. 20 at 11, Court of Bankruptcy, London.—*William Oldroyd*, York-terrace, Albany-road, Camberwell, Surrey, clerk in her Majesty's Customs, Nov. 26 at 12, Court of Bankruptcy, London.—*Thos. Lister*, Mortimer-street, Tottenham-court-road, Middlesex, wood turner, Nov. 26 at 12, Court of Bankruptcy, London.—*Fred. Hunt*, White Horse-place, Commercial-road, Whitechapel, Middlesex, beer-shop keeper, Nov. 26 at 12, Court of Bankruptcy, London.—*Wm. Augustus Ely*, Berwick-street, Oxford-street, Westminster, Middlesex, house painter, Nov. 26 at 11, Court of Bankruptcy, London.—*Henry Thomas*, Munden-street, Hammersmith, Middlesex, plasterer, Nov. 17 at half-past 11, Court of Bankruptcy, London.—*Thomas Head*, Portsea, Hampshire, cabinet maker, Nov. 19 at 11, Court of Bankruptcy, London.—*Philip Talbot*, Lower-mall, Hammersmith, Middlesex, bootmaker, Nov. 7 at 12, Court of Bankruptcy, London.—*Henry Smith*, Sudbourn, near Orford, Suffolk, bootmaker, Nov. 17 at 11, Court of Bankruptcy, London.—*Richard Bushell*, Margate, Kent, bootmaker, Nov. 17 at 11, Court of Bankruptcy, London.—*Joseph Hyams*, Leman-st., Goodman's-fields, Middlesex, watchmaker, Nov. 17 at 11, Court of Bankruptcy, London.—*Robert Flagg*, New Compton-street, St. Giles-in-the-Fields, Middlesex, out of business, Nov. 17 at 11, Court of Bankruptcy, London.—*Robert Newman*, Haslingfield, Cambridgeshire, beerseller and baker, Nov. 17 at 11, Court of Bankruptcy, London.—*William Henry Halpin*, Grafton-street, Fitzroy-square, Middlesex, author, Nov. 19 at 12, Court of Bankruptcy, London.—*Patrick Boyle*, Liverpool, cowkeeper, Nov. 11 at 11, District Court of Bankruptcy, Liverpool.—*Benjamin Ambler*, Swinnow, Bramley, Leeds, Yorkshire, labourer, Nov. 13 at 11, District Court of Bankruptcy, Leeds.—*John Priestley*, Halifax, Yorkshire, butcher, Nov. 13 at 11, District Court of Bankruptcy, Leeds.—*J. Smith*, Kingston-upon-Hull, waiter, Nov. 11 at 10, Mansion-house, Hull.—*Sam. Rouse*, Gomersal, Birstal, Yorkshire, carpet weaver, Nov. 13 at 11, District Court of Bankruptcy, Leeds.—*Alex. Courtney*, Liverpool, tailor, Nov. 11 at 11, District Court of Bankruptcy, Liverpool.—*C. Silcock*, Brampton-moor, near Chesterfield, Derbyshire, potter, Nov. 10 at 11, District Court of Bankruptcy, Manchester.—*Gerard Ince*, Millgate, Wiand, Wigan, Lancashire, hairdresser, Nov. 10 at 11, District Court of Bankruptcy, Manchester.—*Hen. Perkin*, Derby, tobaccoconist, Nov. 13 at 12, District Court of Bankruptcy, Birmingham.—*John Brown*, Stockport, Cheshire, bookbinder, Nov. 12 at 12, District Court of Bankruptcy, Manchester.—*Thos. W. Gilson*, Kingston-upon-Hull, butcher, Nov. 11 at 10, Mansion-house, Hull.—*William Lightowler*, Barnby-upon-the-Marsh, Yorkshire, publican, Nov. 11 at 10, Mansion-house, Hull.

*Saturday, Oct. 31.*

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*Wm. Heather*, Hereford, surveyor, No. 54,514 T.; John Pearce, assignee.—*Hen. Jas. Norfor*, Great Yarmouth, Norfolk, carpenter, No. 67,726 C.; Hen. D. Palmer, assignee.—*Jos. Taylor*, Golcar, near Huddersfield, Yorkshire, weaver, No. 55,214 C.; John Sykes, assignee.

*Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—*

*Saturday, Oct. 24.*

*(On their own Petitions.)*

*Charles Westlake*, Newport-court, Newport-market, Middlesex, butcher: in the Debtors Prison for London and Middlesex.—*Geo. Wilson*, St. John-st., Clarksnewell, Middlesex, retailer of beer: in the Queen's Prison.—*Thos. Dowling*,

Princes-st., Hanover-square, Middlesex, railway share agent: in the Debtors Prison for London and Middlesex.—*Mark Edward Coleman*, Hawley-place, Kentish-town, Middlesex, baker: in the Debtors Prison for London and Middlesex.—*Jas. Garland*, Norland-terrace, Notting-hill, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Jas. Gibson*, Duke-street, Adelphi, Strand, Middlesex, baker: in the Debtors Prison for London and Middlesex.—*Wm. Cooper*, Lower Shadwell, Middlesex, out of business: in the Queen's Prison.—*Paul Goldstraw*, Brownhills, near Burslem, Staffordshire, stonemason: in the Gaol of Stafford.—*Thos. Coats*, Hulme, Manchester, out of business: in the Gaol of Lancaster.—*Sarah Browne*, Swansea, Glamorganshire, huckster: in the Gaol of Cardiff.—*John Mansell*, Castle Foregate, Shrewsbury, Shropshire, retail beer seller: in the Gaol of Shrewsbury.—*Rob. Wrigley*, Oldham, skewer maker: in the Gaol of Lancaster.

*Wednesday, Oct. 28.*

*Isabella Butt*, Margaret-st., Cavendish-square, Mary-le-bone, Middlesex, pearl stringer: in the Queen's Prison.—*T. Cavanagh*, Abergavenny, Monmouthshire, shoemaker: in the Gaol of Monmouth.—*Thos. Arnold*, Cheltenham, Gloucestershire, fly proprietor: in the Gaol of Gloucester.—*W. Forty*, Upper Slaughter, Gloucestershire, horse dealer: in the Gaol of Gloucester.—*John Haywood*, Cheltenham, Gloucestershire, bootmaker: in the Gaol of Gloucester.—*Robert Norton*, Bishop's Castle, Shropshire, out of business: in the Gaol of Shrewsbury.—*John Blake*, Brighton, Sussex, out of business: in the Gaol of Lewes.—*Alex. Brown*, Holmfirth, near Huddersfield, Yorkshire, labourer: in the Gaol of York.—*Wm. Croft*, Birkenhead, Cheshire, joiner: in the Gaol of Chester.—*James Richardson*, Toxteth-park, near Liverpool, out of business: in the Gaol of Liverpool.—*William Roberts* the younger, Liverpool, carter: in the Gaol of Liverpool.—*A. Foulds*, Liverpool, out of business: in the Gaol of Liverpool.—*Wm. Richards*, Bristol, out of business: in the Gaol of Bristol.—*Daniel Steel*, Church Coniston, Lancashire, innkeeper: in the Gaol of Lancaster.—*Wm. Williams*, Wern, Llantarnham, Monmouthshire, labourer: in the Gaol of Monmouth.—*Wm. Newman*, Monmouth, out of business: in the Gaol of Monmouth.

*Saturday, Oct. 31.*

*Wm. Tolboys*, St. Pancras-place, St. Pancras Old-road, Middlesex, dealer in marine stores: in the Debtors Prison for London and Middlesex.

*(On Creditor's Petition.)*

*Bernard Graham*, Pownall-terrace, Kennington-cross, Surrey, attorney's clerk: in the Queen's Prison.

*(On their own Petitions.)*

*Humphrey Creswicke*, Hanham, Gloucestershire, gentleman: in the Gaol of Gloucester.—*Wm. D. Dawney*, Charlotte-st., Portland-pl., Middlesex: in the Gaol of Warwick.—*Wm. Mills*, Birmingham, out of business: in the Gaol of Coventry.—*Jas. M. Thorroless*, Coventry, Warwickshire, out of business: in the Gaol of Coventry.—*Nich. Bennetts*, Kea, Cornwall, innkeeper: in the Gaol of Bodmin.—*Wm. Mosely*, Knowle, Warwickshire, labourer: in the Gaol of Warwick.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Thursday, Nov. 17, at 9.*

*Chas. Westlake*, Newport-court, Newport-market, Middlesex, butcher.

*Court-house, LIVERPOOL, Nov. 18 at 10.*

*Thos. M. Chalmers*, Hulme, near Manchester, gardener.—*Jas. Flynn*, Liverpool, clothier.—*John Baitson*, Liverpool, boat builder.—*Jas. Richardson*, Toxteth-park, near Liverpool, in no business.—*Abraham Foulds*, Liverpool, in no business.—*Wm. Roberts* the younger, Liverpool, carter.—*Wm. Baker*, Liverpool, out of business.

*Court-house, SHREWSBURY, Shropshire, Nov. 18 at 10.*

*John Mansell*, Castle Foregate, retail beer seller.—*Robert Norton*, Bishop's Castle, out of business.—*Henry Tennant*, Shrewsbury, butcher.

*Court-house, MONMOUTH, (County), Nov. 19 at 10.*

*James Leonard*, Magor, farmer.—*Robert P. Armstrong*, Newport, tea dealer.—*Merrick Jones*, Ragland, out of business.—*Thos. Pearse*, Pillgwenlly, near Newport, licensed victualler.—*Wm. Williams*, Wern, Llantarnham, farmer.—*Wm. Newman*, Monmouth, farmer.—*Timothy Cavanagh*, Abergavenny, shoemaker.—*Jas. Wells*, Newport, clerk.

## INSOLVENT DEBTOR'S DIVIDEND.

*Lionel P. Goldsmid*, Abergavenny, Monmouthshire, gentleman, Gem & Co.'s, 1, Lincoln's-inn-fields, London: 1s. 7½d. in the pound, (in addition to a former of 5s. 6d.)

FRIDAY, Nov. 6.

## BANKRUPTS.

EDWARD AXFORD, St. John's-wood-terrace, Middlesex, milliner and dressmaker, Nov. 13 at 12, and Dec. 19 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Baylis & Drewe, 84, Basinghall-street.—Fiat dated Nov. 3.

JOHN MORRIS, Crown-street, Finsbury, and Old-street, St. Luke's, Middlesex, leather seller, dealer and chapman, Nov. 18 and Dec. 15 at 11, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Lawrance & Plews, Old Jewry-chambers, Old Jewry.—Fiat dated Nov. 2.

WILLIAM HENRY SMITH, Edgeware-road, Middlesex, linendraper, dealer and chapman, Nov. 12 at half-past 11, and Dec. 19 at 11, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Dickson & Overbury, Frederick's-place, Old Jewry.—Fiat dated Oct. 29.

ROBERT WEIR, Harley-street, Cavendish-square, Middlesex, bookseller, stationer, news-vender, &c., dealer and chapman, Nov. 19 and Dec. 19 at 12, Court of Bankruptcy, London: Off. Ass. Green; Sols. Wimburn & Co., Chancery-lane.—Fiat dated Nov. 2.

WILLIAM LOUIS COLLINS, Wood-street, Westminster, Middlesex, brewer, dealer and chapman, Nov. 26 at half-past 1, and Dec. 18 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Lawrance & Plews, Old Jewry-chambers, Old Jewry.—Fiat dated Nov. 4.

JONATHAN GEORGE MOON, Langbourne-chambers, Fenchurch-street, London, merchant, dealer and chapman, (trading under the firm of Jonathan Moon & Son), Nov. 14 at half-past 1, and Dec. 15 at 11, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Simpson & Cobb, 62, Moorgate-street.—Fiat dated Oct. 28.

JAMES RULE, Saffron Walden, Essex, veterinary surgeon and dealer in horses, Nov. 20 at 2, and Dec. 15 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Master & Freeland, Saffron Walden, Essex; Bromley & Aldridge, 1, South-square, Gray's-inn.—Fiat dated Nov. 2.

JOHN KING, Kingland-road, Middlesex, soap maker and tallow chandler, dealer and chapman, Nov. 16 at 11, and Dec. 14 at half-past 11, Court of Bankruptcy, London: Off. Ass. Turquand; Sols. Overton & Co., Old Jewry, London.—Fiat dated Nov. 2.

EDWARD EADES, Merton, Surrey, auctioneer and furniture broker, (late carrying on business as a cheesemonger and grocer, at Wimbledon, Surrey), Nov. 17 at 12, and Dec. 17 at 11, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Messrs. Harrison, Hart-street, Bloomsbury.—Fiat dated Oct. 30.

MARY NORGATE, Tavistock-villas, Tavistock-square, St. Pancras, Middlesex, schoolmistress, dealer in books, stationery, and printed music, dealer and chapwoman, Nov. 17 and Dec. 16 at 11, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Buchanan, Basinghall-street.—Fiat dated Nov. 3.

JOHN LEASOR, Birkenhead, Cheshire, retailer of ale and porter, and Egremont, Cheshire, builder, Nov. 17 and Dec. 18 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Hilliar, Birkenhead; Frampton, Gray's-inn, London.—Fiat dated Oct. 30.

JAMES STOUT, Liverpool, boot and shoemaker, Nov. 19 and Dec. 14 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Sols. Evans & Son, Liverpool; Oliver, Old Jewry, London.—Fiat dated Nov. 2.

JOHN BROWN, Bubwith, near Howden, and THOMAS BROWN, Newport, Eastington, Yorkshire, (carrying on business as brick and tile makers), Nov. 18 and Dec. 9 at 10, Town-hall, Kingston-upon-Hull: Off. Ass. Kynaston; Sols. Thorney, Hull; Shaw & Co., Ely-place, London.—Fiat dated Oct. 19.

GEORGE FLINT, Tamworth, Warwickshire and Staffordshire, paper manufacturer, Nov. 18 and Dec. 12 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Partridge & Taylor, Birmingham.—Fiat dated Oct. 26.

JOSEPH PIDWELL, Falmouth, Cornwall, general furnishing ironmonger, dealer and chapman, Nov. 19 at 1, and Dec. 8 at 11, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. Stogdon, Exeter; Keddel & Co., Lime-street, London.—Fiat dated Nov. 2.

## MEETINGS.

*John Palmer*, Worthing, Sussex, painter, Nov. 9 at half-past 2, Court of Bankruptcy, London, last ex.—*Thos. Wm. Clark*, Strood, Kent, licensed brewer, Nov. 14 at 2, Court of Bankruptcy, London, last ex.—*Henry Mayhew*, Parson's-green, Fulham, Middlesex, newspaper proprietor, Nov. 9 at 12, Court of Bankruptcy, London, last ex.—*John Sellick Lyddon*, Birkenhead, Cheshire, chymist, Nov. 17 at 11, District Court of Bankruptcy, Liverpool, last ex.—*Leopold A. Victor Rudolphi*, Sunderland, Durham, general merchant, Nov. 24 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—*James Stullard*, Manchester, cotton spinner, Nov. 17 at 11, District Court of Bankruptcy, Manchester, last ex.—*Jonathan Knights*, Great Melton and Thurgarton, Norfolk, cattle dealer, Nov. 27 at 12, Court of Bankruptcy, London, and ac.—*F. H. West*, High-street, Shoreditch, Middlesex, licensed victualler, Nov. 30 at half-past 1, Court of Bankruptcy, London, and ac.—*R. Widen Cronk*, Seal, Kent, grocer, Nov. 27 at 11, Court of Bankruptcy, London, and ac.—*Wm. James Harris*, High-street, Southwark, Surrey, tailor, Nov. 28 at 1, Court of Bankruptcy, London, and ac. and div.—*Wm. Bull Harvey*, Herbert-street, New North-rd., Middlesex, mercer, Nov. 27 at 11, Court of Bankruptcy, London, and ac.—*Wm. George Barley*, Northampton, draper, Dec. 1 at half-past 12, Court of Bankruptcy, London, and ac.—*James Brown*, Birmingham, ironmaster, Nov. 26 at 12, District Court of Bankruptcy, Birmingham, and ac.—*Spencer Purser*, Cheltenham, Gloucestershire, draper, Dec. 1 at 1, District Court of Bankruptcy, Bristol, and ac.; Dec. 3 at 1, div.—*Wm. Williams*, Watton, St. Mary, Brecon, Breconshire, Nov. 27 at 11, District Court of Bankruptcy, Bristol, and ac.—*Thos. Plumley Derham*, Westbury-upon-Trym, Bristol, linendraper, Dec. 3 at 12, District Court of Bankruptcy, Bristol, and ac.—*Rich. Blackburn*, Cleckheaton, Yorkshire, printer, Dec. 1 at 11, District Court of Bankruptcy, Leeds, and ac.—*Thomas Dickson*, Thirsk, Yorkshire, linendraper, Dec. 1 at 11, District Court of Bankruptcy, Leeds, and ac.—*Enos Dibb*, Idle, Calverley, Yorkshire, grocer, Dec. 1 at 11, District Court of Bankruptcy, Leeds, and ac.—*John Child*, Wakefield, Yorkshire, grocer, Dec. 1 at 11, District Court of Bankruptcy, Leeds, and ac.—*Ebenezer Hodgson*, Richmond, Yorkshire, ironmonger, Dec. 1 at 11, District Court of Bankruptcy, Leeds, and ac.—*Sam. Holdsworth* and *Wm. Holdsworth*, Drighlington, Yorkshire, corn millers, Dec. 1 at 11, District Court of Bankruptcy, Leeds, and ac.—*J. Thomas Carter*, Berners-street, Oxford-street, Middlesex, apothecary, Nov. 30 at half-past 12, Court of Bankruptcy, London, div.—*Rowland Hill Blacker* and *Charles Earish* the younger, Gresham-street, London, warehousemen, Nov. 30 at 11, Court of Bankruptcy, London, div.—*Alfred Wildy*, Oxford-street, Middlesex, hatter, Nov. 28 at half-past 11, Court of Bankruptcy, London, div.—*Wm. Elliott*, Petworth, Sussex, gentleman, Nov. 28 at 11, Court of Bankruptcy, London, div.—*John Teasel*, St. Saviour, Norwich, carpenter, Nov. 27 at 12, Court of Bankruptcy, London, div.—*Henry Savage*, Dorset-place, Dorset-square, Middlesex, apothecary, Nov. 27 at half-past 12, Court of Bankruptcy, London, div.—*Francis Syder*, Fakenham, and Wells, near Fakenham, Norfolk, also Hitchin, Herts, grocer, Nov. 27 at 11, Court of Bankruptcy, London, div.—*J. Gisborne*, Coleman-st., London, merchant, Nov. 28 at half-past 12, Court of Bankruptcy, London, div.—*William Erick*, St. Leonard, Shoreditch, Middlesex, baker, Nov. 28 at 12, Court of Bankruptcy, London, div.—*Francis Freeman Phillips*, Bristol, coach maker, Dec. 1 at 12, District Court of Bankruptcy, Bristol, div.—*David Thomas*, Manchester, merchant, Dec. 3 at 12, District Court of Bankruptcy, Manchester, fin. div.—*John Seaton*, Winkhouse, Frickley-cum-Clayton, Yorkshire, farmer, Dec. 1 at 11, District Court of Bankruptcy, Leeds, div.—*John Robinson*, Beverley, Yorkshire, spirit merchant, Dec. 2 at 10, District Court of Bankruptcy, Kingston-upon-Hull, div.—*Henry Rawson Morley*, Kingston-upon-Hull, merchant, Dec. 2 at 10, District Court of Bankruptcy, Kingston-upon-Hull, div.—*James Brown*, Birmingham, ironmaster, Nov. 28 at 12, District Court of Bankruptcy, Birmingham, fin. div.

**CERTIFICATES.**

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Alas. Thern*, High Edilbera, Middlesex, oilman, Dec. 1 at half-past 1, Court of Bankruptcy, London.—*Ed. Swanwick Boulis*, Liverpool, stockbroker, Dec. 1 at 11, District Court of Bankruptcy, Liverpool.—*Wm. Lancaster*, Liverpool, ship owner, Nov. 27 at 11, District Court of Bankruptcy, Liverpool.—*Thos. Walker*, Leeds, Yorkshire, tallow chandler, Dec. 6 at 11, District Court of Bankruptcy, Leeds.—*Thomas Hanson*, Leeds, Yorkshire, builder, Dec. 2 at 11, District Court of Bankruptcy, Leeds.—*James Clarkson*, Barnsley, Yorkshire, plumber, Dec. 2 at 11, District Court of Bankruptcy, Leeds.—*John Moor*, Tutbury, Staffordshire, common brewer, Nov. 28 at 12, District Court of Bankruptcy, Birmingham.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Nov. 27.*

*Thomas Fielder Shillam*, Dudbridge, Gloucestershire, wool broker.—*Wm. Watts*, Cheltenham, Gloucestershire, builder.—*John Wilkisson*, Liverpool, fruiterer.—*Rich. Reed*, Dawlish, Devonshire, miller.—*Anthony Birch*, Birmingham, grocer.—*James Pritchard*, Seymour-place, Camden-town, Middlesex, butcher.—*Isaac Blackburn*, Minorics, and Northumberland-alley, Fenchurch-st., London, engineer.—*Charles Pulling*, Hay's-wharf, Tooley-st., and Trinity-square, Southwark, Surrey, potato salesman.—*Ebenezer Henry Durdan*, Fitchcomb-mill, Standish, Gloucestershire, manufacturing chemist.—*Wm. Hen. Mortimer*, Lower Harley-street, Saint Mary-le-bone, Middlesex, wood paviour.—*Edward Cawdell*, Kingston-upon-Hull, dealer in toys.—*Enoch Williams*, Birmingham, builder.—*Wm. Hart*, Whitechapel High-street, Middlesex, hat manufacturer.—*Jas. Ballard*, Hastings, Sussex, innkeeper.—*Thos. Roberts*, Birmingham, builder.—*Joe. Salmon*, Beaumont, Essex, carpenter.—*Geo. Hastings Watson*, New Bond-street, Middlesex, tobaccoist.—*Jas. Perry*, Harlow, Essex, grocer.—*Alfred Sam. Holl*, Norwich, grocer.—*J. Ferrer*, Curtain-road, Shoreditch, Middlesex, cabinet manufacturer.—*Richard Barter Line*, Plymouth, Devonshire, carpenter.—*Dominique Andrew Morel*, Langham-place, St. Mary-le-bone, Middlesex, dentist.

**PARTNERSHIP DISSOLVED.**

*Wm. Ashwith and Thomas Simpson*, York, proctors.

**SCOTCH SEQUESTRATIONS.**

*Mrs. Margaret Davies*, Dundee, draper.—*Archbd. White*, Glasgow, merchant.

**INSOLVENT DEBTORS**

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Thos. Waller*, Sheffield, Yorkshire, mason, Nov. 17 at 12, Court of Bankruptcy, London.—*Matt. Burnside*, Hyndman-grove, Church-fields, Old Kent-road, Surrey, surgeon, Nov. 26 at 11, Court of Bankruptcy, London.—*Fred. W. Letton*, Duke-street, Lower Chapman-st., St. George's-in-the-East, Middlesex, oilman, Nov. 19 at 1, Court of Bankruptcy, London.—*Hen. Jas. Taverner*, Grove-road, Mile-end, Middlesex, licensed victualler, Nov. 14 at half-past 1, Court of Bankruptcy, London.—*Jane Hoal*, Judd-st., St. Pancras, Middlesex, straw bonnet maker, Nov. 26 at 11, Court of Bankruptcy, London.—*James S. Pittman*, Nottingham-terrace, York-gate, Regent's-park, Middlesex, clerk to a cigar manufacturer, Nov. 19 at half-past 12, Court of Bankruptcy, London.—*Joe. Gibbs*, New Place-mills, Crewkerne, Somersetshire, baker, Nov. 18 at 11, District Court of Bankruptcy, Exeter.—*John Smith*, Bradford, Yorkshire, wool sorter, Nov. 20 at 11, District Court of Bankruptcy, Leeds.—*W. Holmes*, Liverpool, grocer, Nov. 19 at 11, District Court of Bankruptcy, Liverpool.—*John Grayson*, Leeds, Yorkshire, hair dresser, Nov. 21 at 11, District Court of Bankruptcy, Leeds.—*Geo. Woollem*, Sheffield, Yorkshire, shopkeeper, Nov. 13 at 11, Town-hall, Sheffield.—*Edwin Mettam*, Sheffield, Yorkshire, butcher, Nov. 13 at 11, Town-hall, Sheffield.

*Wednesday, Nov. 4.*

*Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Luks H. Cove*, Brompton-row, Brompton, Middlesex, coal merchant: in the Queen's Prison.—*Wm. Hughes*, Church-

road, De Bevoir-square, Kingsland-road, Middlesex, plasterer: in the Debtors Prison for London and Middlesex.—*John K. F. H. Roseman*, London Coffee-house, Ladgate-hill, London, general merchant: in the Debtors Prison for London and Middlesex.—*Peter Temby*, Camborne, Cornwall, tinner: in the Gaol of Bodmin.—*William Bendall*, Lower Wallop and Broughton, near Stockbridge, Hampshire, gardener: in the Gaol of Winchester.—*John Quick*, Shirley, near Southampton, Hampshire, in no trade: in the Gaol of Winchester.—*John Davis*, East Slade, East Dean, Gloucestershire, collier: in the Gaol of Gloucester.—*Wm. Baker*, Liverpool, hair: in the Gaol of Liverpool.—*Jas. Rendle*, Roydon, Essex, out of business: in the Gaol of Chelmsford.—*William Tyack*, Ladgvan, Cornwall, innkeeper: in the Gaol of Bodmin.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Monday, Nov. 16, at 9.*

*Chas. F. Christie*, Upper John-st., Fitzroy-sq., Middlesex, captain on half-pay.—*John Allan*, Stacey-terrace, New Pecham, Old Kent-road, Surrey, commission agent to a brewer.—*Sam. Lomage*, Beckford-row, Walworth-road, Surrey, in no trade.—*Hen. Hewgill*, Esq., Portsea-place, Cornsought-square, Middlesex, in no trade.—*Isabella Butt*, Margaret-st., Cavendish-sq., Westminster, Middlesex, pearl stringer.—*B. Benjamin*, Upper Whitecross-st., St. Luke's, Middlesex, cab proprietor.—*Geo. Wilson*, St. John-st., Clerkenwell, Middlesex, retailer of beer.

*Court-house, GLOUCESTER, (County), Nov. 20 at 10.*

*Jas. Baker*, King's Weston, Hanbury, blacksmith.—*John Morgan*, East Dean, St. Briavels, collier.—*Thos. Arnold*, Cheltenham, fly proprietor.—*John Haywood*, Cheltenham, shoemaker.—*Wm. Forty*, Upper Slaughter, horse dealer.—*John Davis*, East Dean, collier.—*Humphrey Crenwicks*, Haham, gentleman.

*Court-house, GLOUCESTER, (City), Nov. 20 at 10.*

*Wm. H. Matthews*, Gloucester, out of business.—*Thomas Higgins* the younger, Gloucester, optician.—*James Smith*, Gloucester, blacksmith.

**INSOLVENT DEBTOR'S DIVIDEND.**

*Wm. Smith*, Wallingford, Berkshire, tailor, at Eyre's, Benson, near Wallingford: 2s. 5d. in the pound.

**MEETING.**

*Hugh Doherty*, Esq., Laurel-lodge, near Barnet, Hertfordshire, Nov. 30 at 2, Rosser & Co.'s, 63, Lincoln's-inn-fields, Middlesex, sp. affairs.

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No. 514—VOL. X.

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LONDON, NOVEMBER 14, 1846.

It is curious to observe the exceptions which the progress of society has caused to be ingrafted on the common-law rule, "*Actio personalis moritur cum persona.*" The principle of the common law was, that, if any injury were done either to the person or the property of another, for which damages only could be recovered in satisfaction, the action died with the person to whom or by whom the wrong was done. Thus, where the action was founded on any malfeasance or misfeasance, was a tort, or arose *ex delicto*, such as trespass for taking goods, &c., trover, false imprisonment, assault and battery, slander, deceit, diverting a watercourse, obstructing lights, escape, and many other cases of the like kind, where the declaration imputes a tort done either to the person or the property of another, and the plea must be not guilty, the rule was "*Actio personalis moritur cum persona.*" The first alteration in this rule was made by stat. 4 Edw. 3, c. 7, (*De bonis asportatis in vita testatoris*), which, reciting, that in time past executors have not had actions for a trespass done to their testators, as of the goods and chattels of the said testators carried away in their life, and so as such trespasses have remained unpunished, enacts, that the executors in such cases shall have an action against the trespassers, and recover their damages in like manner as they whose executors they be, should have had if they were living. The remedy above given was extended by the stat. 25 Edw. 3, c. 5, to executors of executors; and, by an equitable construction of the first statute, to administrators. This statute, indeed, being a remedial law, has always been expounded largely, and, though it makes use of the word "*trespasses*" only, has been extended to other cases within its meaning and intent. By the construction put upon it, an executor or administrator might have the same actions for any injury

done to the personal estate of the testator in his lifetime, whereby it became less beneficial to the executor, as the testator himself might have had, whatever the form of action might be, (*Latch. 169*): trespass or trover,—action for a false return,—for an escape,—debt on a judgment against an executor suggesting a devastavit,—action for removing goods taken in execution before the testator (the landlord) was paid a year's rent,—and other actions of the like kind, for injuries done to the personal estate of the testator in his lifetime. But neither in terms nor by construction did the statute of Edward III extend to injuries done to the person or to the freehold of the testator: therefore, an executor or administrator cannot have actions of assault and battery, false imprisonment, slander, deceit, nor, as the law stood under that statute, for diverting a watercourse obstructing lights, cutting trees, and other actions of the like kind.

The want of a remedy for injuries done to the freehold of the testator, led to the next statutory alteration of the common-law rule.

Amongst the various amendments of the law introduced by the stat. 3 & 4 Will. 4, c. 42, the 2nd section enacted, that an action of trespass, or trespass on the case, might be maintained by the executors or administrators of any person deceased, for any injury to the real estate of such person, committed in his lifetime, for which an action might have been maintained by such person, so as such injury shall have been committed within six calendar months before the death of such deceased person; and provided such action shall be brought within one year after the death of such person; and the damages, when recovered, shall be part of the personal estate of such person. And further, that an action of trespass, or trespass on the case, might be maintained against the executors or administrators of any person deceased, for any wrong committed by



in his lifetime to another, in respect of his property, real or personal, so as such injury shall have been committed within six calendar months before such person's death, and so as such action shall be brought within six calendar months after such executors or administrators shall have taken upon themselves the administration of the estate and effects of such person. But actions for injuries to the person remained subject to the common-law rule, "*Actio personalis moritur cum persona*." The executors of a deceased person could not bring an action for the most grievous injury to him; and the strictness of the rule led to the anomaly, that, if a person received an injury through the default or negligence of another, which stopped short of causing his death, he might bring an action and recover ample damages; but if the injury was so great as to produce death, all right of action was gone, and no damages could be recovered. This state of the law had been often complained of, but would probably have remained unaltered had not railway travelling furnished examples, too striking to be passed over, of its repugnance to common sense and justice. Accordingly, the Legislature has, in the last session, in conformity with the laws of most foreign countries, made a further encroachment on the common-law rule, in the "*Act for compensating the Families of Persons killed by Accidents*." This act recites, that no action at law was maintainable against a person who, by his wrongful act, neglect, or default, may have caused the death of another person, and it is oftentimes right and expedient that the wrongdoer in such case should be answerable, in damages, for the injury so caused by him; and enacts, that, whensoever the death of a person shall be caused by wrongful act, neglect, or default, and the act, neglect, or default is such as would (if death had not ensued) have entitled the party injured to maintain an action and recover damages in respect thereof, then and in every such case the person who would have been liable if death had not ensued shall be liable to an action for damages, notwithstanding the death of the person injured, and although the death shall have been caused under such circumstances as amount in law to a felony. Having thus resolved to destroy the principal relic of the common-law doctrine, it would have been well, we think, if the Legislature had simply directed that the damages recovered in the action should form part of the personal estate of the person injured, in the same manner as any other damages recovered by an executor. There seems no sound reason why the compensation for the death of a person should not be applied in the same manner and for the same objects as the fruits of his industry would have been if he had lived—why his creditors should not have the same claim upon the former as they would have had upon the latter,—or why the one should not be as much within his disposition by will as the other. But the Legislature appears to have been startled at the boldness of its infringement upon the common-law, and to have wished to call to its assistance the softer feelings of our nature. What it hesitated to grant to the claims of strict justice, it thought gracefully to yield to those of kindred and affection. It has, therefore, introduced an anomalous kind of action, by providing that it shall be for the benefit of the wife, husband, parent, and child of the person whose death

shall have been caused; that the jury may give such damages as they may think proportioned to the injury resulting from such death to the parties respectively for whom and for whose benefit the action shall be brought; and that the amount recovered shall be divided amongst those parties in such shares as the jury, by their verdict, shall find and direct. We presume, that, in estimating the damages, the jury will be expected to take into consideration the pecuniary injury the parties have received. Now, it may often happen, that the parties for whose benefit the action is allowed to be brought have sustained no pecuniary injury whatever—that has fallen upon others. Is the wrongdoer in such a case to have the benefit of it? Suppose, for instance,—what will, no doubt, be very common,—the death of a person whose life is insured. In a pecuniary point of view, this would be a benefit to the parties for whom the action might be brought, and, therefore, that element of the damages ought to be excluded. But the insurers, who really sustain that portion of the injury, cannot bring an action, or recover any damages.

Many similar cases might be put, in all of which the action allowed by this act will fail of doing justice to those who are really injured. It seems to us to afford but a very imperfect remedy for the defect hitherto existing in the law; and we venture to think that the simplest and boldest course would have been the best—to give to executors and administrators a right of action in such cases, and direct that the damages recovered should be considered part of the personal estate.

#### COURT OF EXCHEQUER.

MICHAELMAS TERM.—10 VICTORIA.—Nov. 12.

This Court will hold Sittings on Friday the 27th and Saturday the 28th days of November instant, and also on Wednesday the 2nd day of December next, and the three next following days, and also on Saturday the 12th day of December next, and will proceed in disposing of the business then pending in the Special Paper.

By THE COURT.

Read in open Court.—E. BENNETT.

#### LIST OF SHERIFFS NOMINATED BY THE LORDS OF THE COUNCIL FOR 1847.

- Bedfordshire*.—Robert Newland, Esq., Kempston.  
Thomas Abbott Green, Esq., Pavenham.  
Richard Gilpin, Esq., Hockliffe Grange.
- Berkshire*.—Wm. Henry Stone, Esq., Streasley House.  
John Hopkins, Esq., Tidmarsh.  
Robert Allfrey, Esq., Wakefield Park.
- Buckinghamshire*.—The Baron Meyer Anselm de Rothschild, Mentmore.  
William Lowndes, Esq., The Bury, Chesham.  
John Kay, Esq., Fulmer.
- Camb. and Hunt.*—Robert Francis Pate, Esq., Wisbeach.  
John Vipan, Esq., Sutton.  
Wm. Whiting, Esq., Manes and Thorney Abbey.
- Cheshire*.—Ralph Gerard Leycester, Esq., Toft Hall.  
Henry Brooke, Esq., Grange.  
Thomas Wm. Tatton, Esq., Withenshaw.
- Cornwall*.—Nicholas Kendall, Esq., Polyn.  
Sir Wm. Pratt Call, Bart., Whiteford House.  
William Daubuz, Esq., Killion.
- Cumberland*.—Gilfrid William Hartley, Esq., Rose Hill.  
Henry Dundas Maclean, Esq., Lazonby.  
Andrew Fleming Hudleston, Esq., Hutton-John.
- Derbyshire*.—John Bell Crompton, Esq., Milford.  
Sir Robert Burdett, Bart., Foremark.  
Jedediah Stratt, Esq., Belper.

**Devonshire.**—Sir J. P. B. Chichester, Bart., Arlington Court.  
Henry Champenowne, Esq., Dartington.  
Henry Richard Roe, Esq., Gunton House.

**Derbyshire.**—Thomas Bowyer Bower, Esq., Iwerne Minster.  
H. J. Reuben, Earl of Portarlington, Milton Abbas.  
John Gooden, Esq., Over Compton.

**Durham.**—John Fawcett, Esq., South Bailey.  
Sir Wm. Eden, Bart., Windleston Hall.  
Henry John Spearman, Esq., Newton Hall.

**Essex.**—Wm. Coxhead Marsh, Esq., Park Hall, Thoydon  
Garnon, Epping.  
Beale Blackwell Colvin, Esq., Mangham's Hall,  
Walham Holy Cross.  
Charles Preston, Esq., Luthers, near Sewardstone.

**Gloucestershire.**—Wm. Edwards Lawrence, Esq., Greenway  
House, Badgeworth.  
Charles Greenaway, Esq., Little Barrington.  
Thos. Barwick Lloyd Baker, Esq., Hardwick Court.

**Hertfordshire.**—Thomas Hill, Esq., Felton.  
Sir Valters Cornwell, Bart., Moccas.  
Robert Manikin Lingwood, Esq., Lystone.

**Hartfordshire.**—H. Harper Burebell, Esq., Bushey Grange.  
William Parker, Esq., Ware Park.  
Fulke Southwell Greville, Esq., North Mimms Park.

**Kent.**—John Pelly Atkins, Esq., Halstead.  
John Ashley Warre, Esq., Ramsgate.  
William John Evelyn, Esq., St. Clair.

**Leicestershire.**—William Wootton Abney, Esq., Swebstone.  
Henry Freeman Coleman, Esq., Ervington Hall.  
John Goodacre, Esq., Lutterworth.

**Lincolnshire.**—Theophilus Fairfax Johnson, Esq., Spalding.  
Richard Ellison, Esq., Sudbrooke Holme.  
James Whiting Yorke, Esq., Walmgate.

**Monmouthshire.**—C. J. Komeys Tynte, Esq., Cefnmbaby.  
William Mark Wood, Esq., Ramsey.

**Norfolk.**—John Jones, jun., Esq., Llanarth Court.  
Wyrley Birch, Esq., Wretham.  
Sir Jacob H. Preston, Bart., Beestons St. Lawrence.  
William Mason, Esq., Neuton.

**Northamptonshire.**—Thomas Tryon, Esq., Bulwick Park.  
John Monckton, Esq., Fineshade Abbey.  
The Hon. Henry Hely Hutchinson, Lois Weedon.

**Northumberland.**—J. H. Hollis Atkinson, Esq., Angerton.  
George Burden, Esq., Hedden House.  
William Hodgson Cadogan, Esq., Brinkburn Priory.

**Nottinghamshire.**—John Vere, Esq., Carlton-upon-Trent.  
John Wetham, Esq., Kirklington.  
John Henry Manners Sutton, Esq., Kelham.

**Oxfordshire.**—Samuel Wears Gardiner, Esq., Coombe Lodge,  
Whitchurch.  
Matthew Piers Watt Boulton, Esq., Great Tew.  
Henry Baskerville, Esq., Crowsley Park.

**Rutlandshire.**—Inchley Taylor, Esq., Preston.  
John Walker, Esq., Wardley.  
The Hon. Charles George Noel, (commonly called  
Lord Viscount Campden), Flitteris Park.

**Shropshire.**—Joseph Venables Lovett, Esq., Belmont.  
Sir Edward Blount, Bart., Mawley Hall.  
John Salway, Esq., The Moor.

**Somersetshire.**—J. M. Quantock, Esq., Norton-sub-Hamdon.  
Edward Ayshford Sanford, Esq., Nymehad-court.  
Sir C. Abraham Elton, Bart., Clevedon.

**Staffordshire.**—Sir E. Dolman Scott, Bart., Great Barr.  
The Hon. Frederick Gough, Perry Barr.  
Charles Arkwright, Esq., Dunstall.

**Southampton.**—Lancelot Archer Burton, Esq., Woodlands  
Emsworth.  
John Wood, Esq., Thedden Grange, Alton.  
William Garnier, Esq., Rooksbury, Wickham.

**Suffolk.**—Henry James Oaks, Esq., Newton Court.  
Thomas James Ireland, Esq., Osaden Hall.  
Charles A. Lord Huntingfield, Hivengham Hall.

**Surrey.**—Joseph Bonson, Esq., Poulston.  
F. Boyle Shannon Wilder, Esq., Busbridge Hall.  
Lee Steere, Esq., Jayes, Dorking.

**Sussex.**—W. Gratwicke Kinsale Gratwicke, Esq., Ham.  
Sir S. Branthwaite, Bart., Peckham Micklethwaite.  
Sir Henry Shiffner, Bart., Coombe.

**Warwickshire.**—W. C. Russell, Esq., Leamington Priory.  
George Whieldon, Esq., Springfield House.  
Thomas Dilke, Esq., Mantoke Castle.

**Wiltshire.**—Wadham Locke, Esq., Ashton, Gifford House.  
Sir Francis Dugdale Astley, Bart., Everley.  
John Bird Fuller, Esq., Neston House.

**Worcestershire.**—Edw. Gresley Stone, Esq., Chambers-court.  
Joseph Frederick Ledsam, Esq., Northfield.  
James Moilliet, Esq., Selly Hall.

**Yorkshire.**—George Lane Fox, Esq., Bramham Park.  
Joseph Dent, Esq., Ribston Park.  
Yarburgh Greame, Esq., Sowerby.

## WALES.

**Anglesey.**—The Right Hon. Spencer Bulkeley, Lord New-  
borough, Treiddon.  
Sir Harry Dent Goring, Bart., Trygylwyn.  
Richard Griffith, Esq., Bodowyr Isaf.

**Breconshire.**—Rhys Davies Powel, Esq., Graig-y-Nos.  
Penry Williams, Esq., Cefn Parc.  
William Pearce, Esq., Pffwdgrech.

**Carnarvonshire.**—Thomas Wright, Esq., Darwen-fawr.  
George Augustus Huddart, Esq., Brynkir.  
William Henry Foley, Bryn Eryr.

**Carmarthenshire.**—Seymour Philipps Allen, Esq., Kencard.  
Thomas Morris, Esq., Greencastle.  
Sir James Cockburn, Bart., Ddodgwm.

**Cardiganshire.**—Alban Thomas Davies, Esq., Tyglyn.  
Abraham Grey Harford Battersby, Esq., Peterwell.  
Matthew Davies, Esq., Tanybwlich.

**Denbighshire.**—R. Lloyd Edwards, Esq., Bronhaugol Abergale.  
Richard Jones, Esq., Belham Place, Rhunabon.  
Christ. Leyland, Esq., Nantclwyd Hall, Ruthin.

**Flintshire.**—Llewelyn Falkener Lloyd, Esq., Nannerch.  
Sir William Henry Clerke, Bart., Mestyn.  
John Whitehall Dod, Esq., Cloverley.

**Glamorganshire.**—Thomas Wm. Booker, Esq., Vellndra.  
Nash Vaughan Edwards Vaughan, Esq., Rheola.  
Rowland Fothergill, Esq., Hensol Castle.

**Montgomeryshire.**—Edward Gatacre, Esq., Nantymechied.  
Christopher Bullin, Esq., Brynllwyarch.  
John Vaughan, Esq., Pennaen Dovey.

**Merionethshire.**—J. Griffith Griffith, Esq., Faltreuddyn-fawr.  
Hugh Jones, Esq., Gwernddelwa.  
Robert Davies Jones, Esq., Cyfronydd.

**Pembrokeshire.**—Thomas Davies Lloyd, Esq., Kilehew.  
William Henry Lewis, Esq., Clynfew.  
Owen Owen, Esq., Cwm Glyn.

**Radnorshire.**—John A. Whittaker, Esq., Newcastle Court.  
John Williams, Esq., Skreen.  
Henry Miles, Esq., Downfield.

## London Gazettes.

TUESDAY, NOVEMBER 10.

## BANKRUPTS.

**WILLIAM TROWBRIDGE**, Lawrence-lane, London, woollen draper, dealer and chapman, Nov. 20 at half-past 12, and Dec. 19 at 2, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Wollan, 30, Bucklersbury.—Fiat dated Nov. 7.

**DAVID PATTIE**, St. Alban's-place, Edgeware-road, Middlesex, stationer, dealer and chapman, Nov. 18 at half-past 11, and Dec. 19 at half-past 1, Court of Bankruptcy, London: Off. Ass. Alsager; Sol. Swan, Eldon-chambers, Devereux-court, Temple.—Fiat dated Nov. 7.

**WILLIAM ALLEN**, Wheeler-st., Spitalfields, Middlesex, scaleboard manufacturer and stationer, Nov. 19 at 11, and Dec. 18 at 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Roberts, Temple-chambers, Falcon-court.—Fiat dated Nov. 7.

**HENRY GODFREY**, Milton-next-Gravesend, Kent, builder and undertaker, dealer and chapman, Nov. 18 at 2, and Dec. 18 at 12, Court of Bankruptcy, London: Off. Ass. Belcher; Sol. Buchanan, Basinghall-street, London.—Fiat dated Nov. 6.

**THOMAS WYATT**, Oxford-terrace, King's-road, Chelsea, Middlesex, builder, timber merchant and coal agent, dealer and chapman, Nov. 26 at 12, and Dec. 18 at 2, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Bruner, Oxford; Spencer, Verulam-buildings, Gray's-inn.—Fiat dated Nov. 9.

**WILLIAM BOND**, Holborn-hill, London, licensed victualler, wine and spirit merchant, dealer and chapman, Nov. 18 at half-past 2, and Dec. 22 at 2, Court of Bankruptcy, London: Off. Ass. Belcher; Sols. Richards & Walker, Lincoln's-inn-fields.—Fiat dated Nov. 3.

**JOHN BLYTH**, Barnstaple, Devonshire, wine merchant, dealer and chapman, Nov. 20 at half-past 1, and Dec. 14 at 12, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Wright, Fenchurch-street.—Fiat dated Nov. 6.

**ROBERT MILLER JERMYN**, Bocking, Essex, chemist and druggist, Nov. 18 and Dec. 12 at 11, Court of Bankruptcy, London: Off. Ass. Green; Sol. Woller, Finsbury-circus.—Fiat dated Nov. 3.

**RICHARD GLOVER**, Mitcham and Morden, Surrey, miller, snuff manufacturer, dealer and chapman, Nov. 18 at 12, and Dec. 11 at 11, Court of Bankruptcy, London: Off. Ass. Follett; Sols. Lawrance & Plews, Old Jewry-chambers.—Fiat dated Nov. 2.

**THOMAS HARRIS BEAL**, Wingham, Kent, grocer, Nov. 19 at 2, and Dec. 16 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Wright & Co., Essex-street, Strand.—Fiat dated Nov. 4.

**JOHN BALL**, Martin's-lane, Cannon-street, London, merchant, dealer and chapman, Nov. 26 at half-past 2, and Dec. 18 at 1, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Lawrance & Plews, Old Jewry-chambers.—Fiat dated Nov. 6.

**JOHN LAMB**, Oxford-street, Middlesex, haberdasher and laceman, dealer and chapman, Nov. 18 at 1, and Dec. 11 at 12, Court of Bankruptcy, London: Off. Ass. Follett; Sol. Lewis, Warwick-court, Gray's-inn.—Fiat dated Nov. 6.

**ROSETTA EDELSHEIM**, Manchester, draper, dealer and chapwoman, Nov. 23 and Dec. 21 at 11, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Sale & Co., Manchester; Reed & Langford, Friday-st., Cheapside, London.—Fiat dated Nov. 2.

**WILLIAM IMRAY**, Liverpool, stationer, dealer and chapman, Nov. 24 and Dec. 18 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Miller & Peel, Liverpool; Sharpe & Co., Bedford-row, London.—Fiat dated Nov. 3.

**JOHN LESTER**, Pen-y-gelle Lodge, near Wrexham, Denbighshire, farmer, dealer in oats, dealer and chapman, Nov. 24 and Dec. 18 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Cunah, Chester; King, Wilmington-square, London.—Fiat dated Nov. 5.

**EDWARD PIPES**, Derby, plasterer, Nov. 27 and Dec. 18 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Smith, Derby; Reece, Birmingham.—Fiat dated Nov. 9.

#### MEETINGS.

**Joseph Moore**, Camden-town, Middlesex, Dec. 8 at 11, Court of Bankruptcy, London, sp. aff.—**John Beaton**, Upper-street, Islington, Middlesex, tailor, Nov. 25 at half-past 12, Court of Bankruptcy, London, last ex.—**Richard Crompton**, Shrigley, Cheshire, **Moses Price**, Prestolee, Lancashire, and **Timothy Crompton**, Manchester, brick makers, Nov. 23 at 11, District Court of Bankruptcy, Manchester, last ex.—**Th. J. Moysey Bartlett**, Pall-mall East, Middlesex, bill broker, Dec. 2 at 11, Court of Bankruptcy, London, aud. ac.—**Jonathan Wragg**, Melina-place, Westminster-bridge-road, Surrey, iron merchant, Dec. 2 at 11, Court of Bankruptcy, London, aud. ac.—**Wm. Miles Morley**, Bread-street, Cheapside, London, warehouseman, Dec. 3 at 2, Court of Bankruptcy, London, aud. ac.—**James Gibbs**, Jermyn-street, St. James's, Westminster, Middlesex, scrivener, Dec. 9 at 2, Court of Bankruptcy, London, aud. ac.—**Edward Skillman** and **A. Cooper Keeler**, Hythe, Kent, linendraper, Dec. 9 at 12, Court of Bankruptcy, London, aud. ac.—**Hannah Overend**, Popplewell, Scholes, Cleckheaton, Birstal, Yorkshire, card maker, Dec. 8 at 11, District Court of Bankruptcy, Leeds, aud. ac. and div.—**Charles Harris**, Sheffield, Yorkshire, tailor, Dec. 4 at 11, Town-hall, Sheffield, aud. ac.—**Joseph Lord**, Sheffield, Yorkshire, tanner, Dec. 4 at 11, Town-hall, Sheffield, aud. ac. and div.—**Luke Palfreyman**, Sheffield, Yorkshire, scrivener, Dec. 4 at 11, Town-hall, Sheffield, aud. ac. and div.—**Matthew Norman** the younger, Richmond, Yorkshire, cabinet maker, Dec. 2 at 11, District Court of Bankruptcy, Leeds, aud. ac.; Dec. 3 at 11, div.—**Wm. Gay**, Cheltenham, Gloucestershire, builder, Dec. 15 at 12, District Court of Bankruptcy, Bristol, aud. ac.—**Sidney Smith**, Bedminster, Bristol, grocer, Dec. 4

at 11, District Court of Bankruptcy, Bristol, aud. ac.—**Wm. Fay**, St. James, Bath, Somersetshire, innkeeper, Dec. 18 at 12, District Court of Bankruptcy, Bristol, aud. ac.—**John Wheaden**, Bath, Somersetshire, grocer, Dec. 15 at 12, District Court of Bankruptcy, Bristol, aud. ac.—**Rich. Morris**, Chepstow, Monmouthshire, timber merchant, Dec. 15 at 12, District Court of Bankruptcy, Bristol, aud. ac.—**John The. Fenton**, Llanelly, Carmarthenshire, ironstone merchant, Dec. 3 at half-past 11, District Court of Bankruptcy, Bristol, aud. ac.—**Daniel Stanton**, Bristol, grocer, Dec. 3 at 11, District Court of Bankruptcy, Bristol, aud. ac.; Dec. 4 at 11, div.—**Rich. Yates** and **Thos. Hartley Williams**, Manchester, merchants, Dec. 1 at 1, District Court of Bankruptcy, Manchester, aud. ac.; Dec. 2 at 11, div. joint and sep. est.—**John Boulton**, Ashton-under-Lyne, Lancashire, carrier, Dec. 3 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Dec. 4 at 12, div.—**W. Warburton**, Newcastle-upon-Tyne, grocer, Dec. 8 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—**Samuel Ward**, Lillypot-lane, London, lasing and shalloon manufacturer, Dec. 1 at 11, Court of Bankruptcy, London, div.—**Jonathan Knights**, Great Melton and Thurgarton, Norfolk, cattle dealer, Dec. 1 at 12, Court of Bankruptcy, London, div.—**John Spong**, Ockham, Surrey, coal merchant, Dec. 1 at half-past 12, Court of Bankruptcy, London, div.—**John Moton** and **Richard Simons**, Mincing-lane, London, wine merchants, Dec. 2 at half-past 12, Court of Bankruptcy, London, fin. div.—**George Baxter**, Church-st., St. George's, Southwark, Surrey, currier, Dec. 2 at 12, Court of Bankruptcy, London, div.—**J. Harlow**, Leicester-square, Middlesex, tobaccoist, Dec. 2 at 11, Court of Bankruptcy, London, div.—**Benj. Simmons** and **Jonathan Brook**, Folley, Dockhead, Bermondsey, Surrey, ironfounders, Dec. 2 at 1, Court of Bankruptcy, London, fin. div. sep. est. of **Benjamin Simmons**.—**Thos. Pottinger**, Island of Jersey, **Henry Howell**, Charles-street, Manchester-square, Middlesex, and **Alexander Oswald**, Adelaide-road, Hampstead, Middlesex, merchants, Dec. 3 at 11, Court of Bankruptcy, London, div. sep. est. of **Alex. Oswald**.—**Robt. Harding Evans** and **Charles Evans**, New Bond-street, Middlesex, auctioneers, Dec. 9 at half-past 1, Court of Bankruptcy, London, div. joint est. and fin. div. sep. est. of **C. Evans**.—**John Wheaden**, Bath, Somersetshire, grocer, Dec. 17 at 11, District Court of Bankruptcy, Bristol, div.—**George Sam. Coxwell** and **Wm. Croser**, Newcastle-upon-Tyne, merchants, Dec. 8 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne, div. sep. est. of **G. S. Coxwell**; at 1, div. sep. est. of **W. Croser**.—**Thos. Maginnis Taylor**, Newcastle-upon-Tyne, merchant, Dec. 4 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, div.—**R. Cook**, Gainsborough, Lincolnshire, surgeon, Dec. 2 at 10, Court of Bankruptcy, Kingston-upon-Hull, fin. div.—**Joseph Broadbent**, New Barn, Delf, Saddleworth, Yorkshire, woollen manufacturer and merchant, Dec. 8 at 11, District Court of Bankruptcy, Leeds, first div.—**Geo. Cleverley**, Calne, Wiltshire, builder, Dec. 8 at 11, District Court of Bankruptcy, Bristol, aud. ac.—**Enos Dibb**, Idle, Calverley, Yorkshire, grocer, Dec. 2 at 11, District Court of Bankruptcy, Leeds, div.—**John Child**, Wakefield, Yorkshire, grocer, Dec. 2 at 11, District Court of Bankruptcy, Leeds, div.—**Ebenezer Hodgson**, Richmond, Yorkshire, ironmonger, Dec. 2 at 11, District Court of Bankruptcy, Leeds, div.—**Thomas Dickson**, Thirsk, Yorkshire, linen and woollen draper, Dec. 2 at 11, District Court of Bankruptcy, Leeds, div.

#### CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on the Day of Meeting.

**Samuel Tittle**, Norwich, tailor, Dec. 1 at 12, Court of Bankruptcy, London.—**John Palmer**, Worthing, Sussex, painter, Dec. 3 at 2, Court of Bankruptcy, London.—**John Teasel**, Norwich, carpenter, Dec. 2 at 2, Court of Bankruptcy, London.—**John Richards**, junior, Reading, Berkshire, banker, Dec. 2 at half-past 11, Court of Bankruptcy, London.—**Wm. Stockbridge**, High-street, Wandsworth, Surrey, tobaccoist, Dec. 1 at 11, Court of Bankruptcy, London.—**Thomas Streeter**, High-street, Camden-town, Middlesex, draper, Dec. 2 at 12, Court of Bankruptcy, London.—**John Collins Steines**, Oundle, Northamptonshire, tailor, Dec. 9 at 1, Court of Bankruptcy, London.—**John Hatcher**, Poole, butcher, Dec. 9 at 12, Court of Bankruptcy, London.—**Dan. Wm. Lucas**, Mark-lane, London, hemp and flax dealer, Dec. 9 at 11, Court of Bankruptcy, London.—**John Orange**, Li-

verpool, boot and shoe maker, Dec. 1 at 11, District Court of Bankruptcy, Liverpool.—*William Blanchard*, Pudsey, Calverley, Yorkshire, grocer, Dec. 8 at 11, District Court of Bankruptcy, Leeds.—*John Hellewell*, Halifax, Yorkshire, worsted manufacturer, Dec. 1 at 11, District Court of Bankruptcy, Leeds.—*Matthew Norman* the younger, Richmond, Yorkshire, cabinet maker, Dec. 3 at 11, District Court of Bankruptcy, Leeds.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before Dec. 1.*

*Thomas A. Cook*, Robinhood-yard, Leather-lane, and Garnault-place, Exmouth-street, Middlesex, carver.—*Joseph James Such*, Bolingbroke-row, Walworth-road, Newington, Surrey, auctioneer.—*Wm. Ludlam Ollard*, Upwell, Cambridgeshire, auctioneer.—*Wm. Inchley*, Drayton, Leicestershire, coal dealer.—*Lake Whilby*, Poultry, London, builder.—*Brookes Hugh Bullock*, Nicholas-lane, London, wine merchant.—*John Richard Mistkin*, Chatham, Kent, tea dealer.—*Jesse Cornelius Moore*, Wellington-street, Strand, Middlesex, bookseller.—*John Boddington*, Manchester, corn dealer.

#### SCOTCH SEQUESTRATIONS.

*Duncan M. Nicholl*, Ardrishaig Point, Argyleshire, grocer.—*Alexander Bald*, Alloa, merchant.—*Peter Jamieson*, Glasgow, insurance broker.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Charles Anthony Cocke*, Peel-street, Kensington, Middlesex, clerk in the General Register Office for births, deaths, and marriages, Nov. 25 at 1, Court of Bankruptcy, London.—*George Marshall*, Brighton, Sussex, lodging-house keeper, Nov. 25 at 1, Court of Bankruptcy, London.—*John Furner*, Sittingbourne, Kent, whitesmith, Nov. 26 at 12, Court of Bankruptcy, London.—*William Hammond*, White-street, Borough, Southwark, Surrey, carpenter, Nov. 17 at half-past 1, Court of Bankruptcy, London.—*John Baz Shepherd*, Lansdowne-cottages, Lower-road, Islington, Middlesex, surveyor, Nov. 17 at 2, Court of Bankruptcy, London.—*Henry James Taverner*, Grove-road, Mile-end, Middlesex, commission traveller, Nov. 14 at half-past 1, Court of Bankruptcy, London.—*Edwin Llewellyn*, Crosby-road, Walworth-road, Surrey, cheesemonger, Nov. 19 at 1, Court of Bankruptcy, London.—*Henry Graham Monague*, Shutter's-court, Basinghall-street, London, public writer, Nov. 12 at 11, Court of Bankruptcy, London.—*Reuben George Gray*, St. George's-road, Southwark, Surrey, bricklayer, Nov. 17 at half-past 12, Court of Bankruptcy, London.—*George Silverlock Longyear*, Southsea, Portsea, Hampshire, plumber, Nov. 17 at 1, Court of Bankruptcy, London.—*Abram Barnard*, Rickmansworth, Hertfordshire, grocer, Nov. 17 at 1, Court of Bankruptcy, London.—*Wm. Meldrum*, Vassal-road, Brixton, Lambeth, Surrey, boot and shoe maker, Nov. 17 at half-past 11, Court of Bankruptcy, London.—*Rich. Freeman Youle*, Richmond, Surrey, omnibus conductor, Nov. 17 at half-past 11, Court of Bankruptcy, London.—*Orlando George Bell*, Albion-place, East-street, Old Kent-road, Surrey, out of business, Nov. 17 at 11, Court of Bankruptcy, London.—*Edwin Todd*, Ipswich, Suffolk, baker, Nov. 17 at 12, Court of Bankruptcy, London.—*John Smethurst*, Manchester, dyer, Nov. 20 at 12, District Court of Bankruptcy, Manchester.—*Henry Smith*, Cheltenham, Gloucestershire, cordwainer, Nov. 17 at 12, District Court of Bankruptcy, Bristol.—*Thomas Pye* the younger, Nottingham, lace maker, Nov. 20 at 12, District Court of Bankruptcy, Birmingham.—*Mary L. Wait*, spinster, school-mistress, Nov. 18 at 11, District Court of Bankruptcy, Bristol.—*Wm. Stevens*, Dorchester, Dorsetshire, clerk to a wine merchant, Nov. 19 at 1, District Court of Bankruptcy, Exeter.—*Edw. Scanlan*, Hulme, Lancashire, French poliaber, Nov. 18 at 12, District Court of Bankruptcy, Manchester.—*James Robinson*, Liverpool, book-keeper, Nov. 18 at 12, District Court of Bankruptcy, Liverpool.—*Nicholas Morgan*, Bristol, shoemaker, Dec. 1 at 11, District Court of Bankruptcy, Bristol.—*John Wright*, Bradford, Yorkshire, husbandman, Nov. 18 at 11, District Court of Bankruptcy, Leeds.—*Joshua Briggs*, Halifax, Yorkshire, shopkeeper, Nov. 18 at 11, District Court of Bankruptcy, Leeds.—*Wm. Pickles*, Wilden, near Bradford, Yorkshire, woolcomber, Nov. 18 at 11, District Court of Bankruptcy, Leeds.—*John Bailey*, Sheffield, Yorkshire, porter to a grocer, Nov. 20 at 11, Town-hall, Sheffield.

Saturday, Nov. 7.

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*Joseph Thompson*, Liverpool, grocer, No. 67,434 C.; Geo. Read, assignee.—*Alex. Riley*, Holbeck, near Leeds, Yorkshire, shoemaker, No. 67,451 C.; Forster Horner, assignee.—*Rich. Smith*, Thornton, near Bradford, Yorkshire, assistant overseer, No. 67,565 C.; Mich. Pearson and Jos. Morris, assignees.—*Ellis Bradbury*, Weakey, near Dobcross, Saddleworth, Yorkshire, shopkeeper, No. 67,605 C.; Rich. Varley, assignee.

Saturday, Nov. 7.

*Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Eusebe David*, Hadley-green, Hadley, Barnet, Middlesex, teacher of languages: in the Debtors Prison for London and Middlesex.—*Chas. Fisher* the younger, East-st., Finsbury, Middlesex, engraver: in the Debtors Prison for London and Middlesex.—*John D. Harrison*, Queen's-road, Chelsea, Middlesex, baker: in the Debtors Prison for London and Middlesex.—*T. Pollard*, Horley, near Reigate, Surrey, farmer's labourer: in the Gaol of Surrey.—*Hen. Jas. Martin*, Bartholomew-close, London, out of business: in the Queen's Prison.—*Rich. C. Preston*, Air-st., Piccadilly, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Robert Long*, King's Norton, Leicestershire, out of business: in the Gaol of Leicester.—*Wm. Benson*, Park-gate, Cheshire, and Liverpool, architect: in the Gaol of Leicester.—*James Holt*, Handforth, near Wilmslow, Cheshire, labourer: in the Gaol of Chester.—*John Redward*, Wolverhampton, Staffordshire, joiner: in the Gaol of Stafford.—*Jos. Wharton*, Seacombe, near Liverpool, out of business: in the Gaol of Lancaster.—*Hen. S. Melson*, Liverpool, wine merchant: in the Gaol of Lancaster.—*Edward Davies*, Wakefield, Yorkshire, manager to worsted spinners: in York Castle.

*(On Creditor's Petition).*

*W. Crump*, Trowbridge, Wiltshire, victualler: in the Gaol of Fisherton Anger.

*The following Prisoners are ordered to be brought up before a Commissioner on Circuit:—*

*Court-house, BRISTOL (City), Nov. 23 at 10.*

*Wm. Richards*, Bristol, in no business.—*Henry Marley*, Bristol, carrier.

*Court-house, LEWES, Sussex, Nov. 20 at 10.*

*Robert Ridsdale*, Waterbeach, near Chichester, out of business.—*Edwin Hammond Fuller*, Brighton, leather seller.—*John Blake*, Brighton, out of business.

*Court-house, CARNARVON, (County), Nov. 26 at 10.*

*Wm. Hughes*, Bryntymon, Llysfaen, quarryman.—*Shem Griffith*, Tanyffordd, Lysfaer, quarryman.

*Court-house, COVENTRY, Warwickshire, Nov. 26 at 10.*

*Jas. M. Thowless*, Coventry, carver.—*Sarah Anne Jenkinson*, widow, Birmingham, harness maker.—*Wm. Mills*, Birmingham, upholsterer.

*Court-house, WARWICK, (County), Nov. 24 at 10.*

*Wm. Mantion*, Birmingham, in no business.—*Wm. Cals*, Birmingham, carpenter.—*Jas. Jones*, Birmingham, inspector of Stamp-office licenses.—*Harold Youngman*, Leamington, out of business.—*Thos. Avern*, Solihull, miller.—*William D. Dawncey*, Charlotte-st., Portland-place, London, out of business.—*Wm. Moseley*, Knowle, labourer.

**ERRATUM.**—In the Advertisement in last Friday's Gazette, of cases to be heard by the Court, for 16th November, 1846, read Monday, 23rd November.

FRIDAY, Nov. 13.

#### BANKRUPTS.

**GEORGE BURGESS**, Ramsgate, Kent, coach maker, dealer and chapman, Nov. 25 and Dec. 21 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Lindsay & Mason, Gresham-street, Bank.—Fiat dated Nov. 10.

**CORNELIUS STARKS** the younger, Southampton, builder, dealer and chapman, Nov. 25 and Dec. 21 at 12, Court of Bankruptcy, London: Off. Ass. Alsager; Sols. Walker & Gridley, Southampton-street, Bloomsbury.—Fiat dated Nov. 9.

**ALEXANDER HENDERSON**, Old Burlington-street, Middlesex, tailor and draper, dealer and chapman, Nov. 27 at half-past 12, and Dec. 21 at 2, Court of Bankruptcy, London: Off. Ass. Alsager; Sols. Dickson & Overbury, Frederick's-place, Old Jewry.—Fiat dated Nov. 10.

**EDWARD HOPEWELL** and **ANTHONY THACKER**, Leadenhall-street, London, outfitters and clothiers, (trading under the firm of E. Hopewell & Co., and of Hopewell & Thacker), Nov. 20 at 11, and Dec. 23 at 12, Court of Bankruptcy, London: Off. Ass. Belcher; Sols. Vallance & Beloley, 9, Old Jewry-chambers.—Fiat dated Nov. 10.

**THOMAS MARSH**, Camomile-street, Bishopsgate-street, London, cabinet, chair, and sofa manufacturer, dealer and chapman, Nov. 28 at half-past 1, and Dec. 28 at 11, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Skinner, Barnard's-inn.—Fiat dated Nov. 7.

**SAUL CHARLES AARON**, Brighton, Sussex, auctioneer and furniture broker, (carrying on business under the firm of Phillips & Co.), Nov. 21 at half-past 1, and Dec. 19 at half-past 12, Court of Bankruptcy, London: Off. Ass. Green; Sol. Abraham, Lincoln's-inn-fields.—Fiat dated Nov. 10.

**WILLIAM EVERTON**, Bunhill-row, St. Luke's, Middlesex, turner and dealer in toys, dealer and chapman, Nov. 27 at half-past 11, and Dec. 22 at 11, Court of Bankruptcy, London: Off. Ass. Groom; Sol. Wright, New-inn, Strand.—Fiat dated Nov. 12.

**RICHARD STANING**, Fetter-lane, London, surgeon, chymist, dealer and chapman, Nov. 26 at half-past 1, and Dec. 24 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sols. J. and W. Galsworthy, Ely-place, Holborn.—Fiat dated Nov. 10.

**WILLIAM DUNN**, Vine-street, Piccadilly, Middlesex, licensed victualler, Nov. 25 at 2, and Dec. 24 at 1, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Moon, 4, Adam-street, Adelphi.—Fiat dated Nov. 12.

**HENRY POWER**, Salford, Somersetshire, innkeeper, Nov. 27 and Dec. 29 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sol. Crosby, Bristol.—Fiat dated Nov. 7.

**JOHN HENRY BEDFORD**, Bristol, artists' colourman, dealer and chapman, Nov. 27 and Dec. 29 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sols. Brittan, Bristol; Davison, 21, Bloomsbury-square, London.—Fiat dated Nov. 9.

**JOSEPH HINDMARSH**, Liverpool, woollen draper and tailor, dealer and chapman, Dec. 11 and 29 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Sols. Minshull, Liverpool; Vincent & Co., Temple, London.—Fiat dated Nov. 9.

**HENRY GOULDESBOUGH**, Manchester, share broker, dealer and chapman, Nov. 24 and Dec. 22 at 11, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Taylor, Manchester; Johnson & Co., Temple, London.—Fiat dated Nov. 11.

**DAVID LEVI**, Birmingham, licensed victualler, dealer and chapman, Dec. 1 and 22 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sol. Smith, Birmingham.—Fiat dated Nov. 7.

**GEORGE BENJAMIN FRANKLIN**, Shrewsbury, Shropshire, printer, dealer and chapman, Nov. 24 and Dec. 22 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sols. Motteram & Knowles, Birmingham; Parkes & Co., Bedford-row, London.—Fiat dated Nov. 4.

#### MEETINGS.

*Chas. Jungmichel*, Austin-friars, London, merchant, Dec. 9 at half-past 12, Court of Bankruptcy, London, aud. ac.—*Edmund Garbett*, Skinner's-place, Sise-lane, London, banker, Dec. 9 at 1, Court of Bankruptcy, London, aud. ac.—*James Thompson* and *John Thompson*, Leeds, Yorkshire, stock brokers, Dec. 7 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*A. Hindes* and *J. Thompson*, Leeds, Yorkshire, stock brokers, Dec. 7 at 11, District Court of Bankruptcy, Leeds, aud. ac.: Dec. 11 at 11, fin. div.—*Robert Weare*, Leeds, Yorkshire, dyer, Dec. 11 at 11, District Court of Bankruptcy, Leeds, aud. ac. and fin. div.—*Wm. Beckitt*, Doncaster, Yorkshire, money scrivener, Dec. 7 at 11, District Court of Bankruptcy, Leeds, aud. ac.: Dec. 11 at 11, div.—*Thos. Ibbotson Hellowell*, *Jas. Northcliffe*, and *J. Beaumont Hellowell*, Thornhill Briggs, Halifax, Yorkshire, dyers, Dec. 7 at 11, District Court of Bankruptcy, Leeds, aud. ac.: Dec.

11 at 11, div. sep. est. of *John Beaumont Hellowell*.—*Thos. Roberts*, Holbeck Steam-mills, near Leeds, Yorkshire, corn miller, Dec. 9 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*Maria Illingworth*, *Wm. Smith*, and *J. Wright*, Bradford, Yorkshire, worsted spinners, Dec. 8 at 11, District Court of Bankruptcy, Leeds, aud. ac.: Dec. 9 at 11, div.—*Thos. Bell*, Newcastle-upon-Tyne, tea dealer, Dec. 9 at half-past 10, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.: Dec. 11 at 11, div.—*Trylle Joel*, Newcastle-upon-Tyne, jeweller, Dec. 11 at half-past 10, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.: Dec. 15 at 11, div.—*Geo. Hornsby*, Leasbury, Northumberland, builder, Dec. 11 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*Robert Barker*, Manchester, druggist, Dec. 7 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*John Leadbeater*, Manchester, merchant, Dec. 7 at 11, District Court of Bankruptcy, Manchester, aud. ac.—*Wm. Baker*, Manchester, and Salford, Lancashire, plasterer, Dec. 7 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*Robert Bleakley*, Liverpool, bricklayer, Dec. 8 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*William Coulter*, Birkenhead, Cheshire, grocer, Dec. 8 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Robert Is-soll*, Brighton, Sussex, coach maker, Dec. 8 at 1, Court of Bankruptcy, London, div.—*Wm. Absolom Darby*, Charles-st., Westbourne-terrace, Paddington, Middlesex, builder, Dec. 8 at half-past 11, Court of Bankruptcy, London, div.—*Jas. Cox*, Queen's-row, Kennington, Surrey, painter, Dec. 8 at half-past 1, Court of Bankruptcy, London, div.—*J. Peters*, Godstone, Surrey, innkeeper, Dec. 3 at 11, Court of Bankruptcy, London, fin. div.—*Wm. and John Wilsone*, Basinghall-st., London, woollen drapers, Dec. 3 at half-past 11, Court of Bankruptcy, London, fin. div.—*Chas. Oswald Robson*, Finsbury-st., Finsbury-square, Middlesex, plasterer, Dec. 5 at 11, Court of Bankruptcy, London, div.—*Wm. Greenwell*, Red Cross-st., Southwark, Surrey, wheelwright, Dec. 5 at 12, Court of Bankruptcy, London, div.—*Arthur Wright*, Kettering, Northamptonshire, grocer, Dec. 7 at half-past 1, Court of Bankruptcy, London, fin. div.—*Jos. West*, High-st., Short-ditch, Middlesex, grocer, Dec. 7 at 1, Court of Bankruptcy, London, fin. div.—*J. Milner*, Brook-st., New-road, Middlesex, engine manufacturer, Dec. 7 at half-past 12, Court of Bankruptcy, London, fin. div.—*Thos. Ralsett*, Cambridge, tailor, Dec. 7 at 1, Court of Bankruptcy, London, div.—*J. Littlewood*, Bond-st., Hammer-square, Middlesex, booter, Dec. 7 at 12, Court of Bankruptcy, London, div.—*William Harding* the elder, Johnson-st., Westminster, and Vincent-square, Westminster, and West-wharf, Millbank, Middlesex, mason, Dec. 7 at half-past 11, Court of Bankruptcy, London, div.—*J. Blyth*, Chelmsford, Essex, grocer and cheese-monger, Dec. 7 at half-past 11, Court of Bankruptcy, London, div.—*James Philpott*, Billirecay, Great Burstead, Essex, coach proprietor, Dec. 7 at 11, Court of Bankruptcy, London, fin. div.—*Wm. Stone*, Wood-street, London, laceman, Dec. 5 at half-past 11, Court of Bankruptcy, London, div.—*James Braddock* and *Jas. Jackson*, Macclesfield, Cheshire, silk manufacturers, Dec. 7 at 11, Court of Bankruptcy, London, fin. div.—*James Quinn*, Liverpool, painter, Dec. 8 at 11, District Court of Bankruptcy, Liverpool, div.—*Edmundson Cooban*, Liverpool, common brewer, Dec. 8 at 11, District Court of Bankruptcy, Liverpool, div.—*Isaac Roberts*, Mold, Flintshire, grocer, Dec. 8 at 12, District Court of Bankruptcy, Liverpool, div.—*James Thompson* and *J. Thompson*, Leeds, Yorkshire, stock brokers, Dec. 11 at 11, District Court of Bankruptcy, Leeds, fin. div.—*William Warburton*, Newcastle-upon-Tyne, grocer, Dec. 11 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, div.

#### CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

*Trylle Joel*, Newcastle-upon-Tyne, jeweller, Dec. 15 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Wm. White*, Morpeth-street, Bethnal-green, Middlesex, builder, Dec. 4 at 1, Court of Bankruptcy, London.—*Charles Collins*, Kidderminster, Worcestershire, and King William-street and Adelaide-place, London, commission agent, Dec. 8 at 12, Court of Bankruptcy, London.—*W. Coulter*, Birkenhead, Cheshire, grocer, Dec. 4 at 11, District Court of Bankruptcy, Liverpool.—*George Hornsby*, Leasbury, Northumberland, builder, Dec. 11 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne.—*John Evans*, Liverpool, dealer in game, Dec. 8 at 11,

District Court of Bankruptcy, Liverpool.—*John Pope*, Ashley Down, Stapleton, Gloucestershire, lime burner, Dec. 17 at 11, District Court of Bankruptcy, Bristol.—*T. Hutchinson*, Sunderland and Wingate, Durham, tea dealer, Dec. 11 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne.—*John Smith Chadwick*, Manchester, calico printer, Dec. 7 at 11, District Court of Bankruptcy, Manchester.—*William Baker*, Manchester and Salford, Lancashire, plasterer, Dec. 7 at 12, District Court of Bankruptcy, Manchester.—*Robert Newton*, Fleet, Lincolnshire, cattle dealer, Dec. 11 at 12, District Court of Bankruptcy, Nottingham.—*R. Mayer*, Longton, Stoke-upon-Trent, Staffordshire, dealer in ale, Dec. 5 at 12, District Court of Bankruptcy, Birmingham.—*Joseph Southern*, Kidderminster, Worcestershire, victualler, Dec. 8 at 11, District Court of Bankruptcy, Birmingham.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Dec. 4.*

*Chas. Gibson*, South-street, Grosvenor-square, Middlesex, chessmonger.—*David James*, Cardigan, licensed victualler.—*John Grant*, Wellington-street and Powis-street, Woolwich, Kent, printer.—*R. Dallinger Markham*, Bridport-hall, Silver-street, and Parade, Edmonton, Middlesex, boarding-house keeper.—*John Russell*, Kidderminster, Worcestershire, coal merchant.—*Ralph Brown*, Pemberton-row, Gough-square, London, printer.—*Daniel Ambrose*, Audley, Staffordshire, apothecary.—*Michael Shackleton*, Manchester, letter-press printer.—*F. Barber Kettle*, Brighton, Sussex, horse dealer.—*Martin Cubitt*, High Holborn, Middlesex, builder.—*Henry Seage*, Dorset-place, Dorset-square, Middlesex, apothecary.

#### PARTNERSHIP DISSOLVED.

*Roger Williams* Gens the elder, *Roger Williams* Gens the younger, and *William Decker*, Birmingham, attorneys and solicitors.

#### SCOTCH SEQUESTRATIONS.

*Robert Hay*, Glasgow, merchant.—*Wm. Mc Caul*, Glasgow, merchant.—*Alexander Campbell*, Caith, Island of Coll, cattle dealer.—*John Campbell*, Cornag, Island of Coll, Argyleshire.—*R. Brown Torrance*, Glasgow, commission merchant.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Henry Blomfield*, Hanover-street, Walworth, Surrey, surveyor, Nov. 26 at 11, Court of Bankruptcy, London.—*John Carter*, Merton, Oxfordshire, land surveyor, Nov. 26 at 11, Court of Bankruptcy, London.—*Jonathan Greenwell*, St. Chad's-row, King's-cross, Middlesex, coachsmith and wheelwright, Nov. 26 at 11, Court of Bankruptcy, London.—*Wm. Harvey*, Fleming-st., Kingsland-road, Middlesex, plasterer, Nov. 25 at 11, Court of Bankruptcy, London.—*Thomas Paine Carille*, Strand, Middlesex, bookseller, Nov. 25 at 12, Court of Bankruptcy, London.—*Jos. Lisle*, Bradford, Yorkshire, broker, Nov. 24 at 11, District Court of Bankruptcy, Leeds.—*John Grayson*, Leeds, hair dresser, Nov. 21 at 11, District Court of Bankruptcy, Leeds.—*John Smith*, Bradford, Yorkshire, wool sorter, Nov. 20 at 11, District Court of Bankruptcy, Leeds.—*John Edw. Carew*, Cambridge-street, Edgware-road, Middlesex, Nov. 19 at 1, Court of Bankruptcy, London.—*Thomas Gouldthorp*, Kingston-upon-Hull, bricklayer, Nov. 25 at 10, Town-hall, Kingston-upon-Hull.—*Benj. Wheelhouse*, Kingston-upon-Hull, beer-house keeper, Nov. 25 at 10, Town-hall, Kingston-upon-Hull.—*George Turner*, Stockport, Cheshire, cotton carder, Nov. 24 at 12, District Court of Bankruptcy, Manchester.—*James Brown*, West Todholes, Elsdon, Northumberland, farmer, Dec. 8 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Jas. Price*, Holywell, Flintshire, grocer, Nov. 26 at 11, District Court of Bankruptcy, Liverpool.—*F. Benton*, Huntingdon, Staffordshire, shoe maker, Nov. 19 at 11, District Court of Bankruptcy, Birmingham.—*Thos. Murphy*, West Derby, Walton-on-the-Hill, Lancashire, beer-house keeper, Nov. 18 at 11, District Court of Bankruptcy, Liverpool.

*Wednesday, Nov. 11.*

*Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Wm. Carn*, West Horsley, Surrey, out of business: in the Gaol of Surrey.—*Ralph Wakefield*, Charch-st., Rotherhithe,

Surrey, millwright: in the Debtors Prison for London and Middlesex.—*Giuseppe Q. Sandrinelli*, Bishop's-pl., Brompton, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Wm. J. Burman*, Coburg-pl., Old Kent-road, Surrey, in no business: in the Queen's Prison.—*Wm. N. B. Harman*, Trigan-road, Kennington-road, Surrey, dealer in jewellery: in the Queen's Prison.—*J. Thompson*, Cheapside, London, decorative paper hanger: in the Debtors Prison for London and Middlesex.—*Geo. Snelgrove*, Camomile-st., London, vellum binder: in the Debtors Prison for London and Middlesex.—*William Mitchell*, Penistone, near Barnsley, Yorkshire, out of business: in York Castle.—*Rob. W. Ogilvie*, Newcastle-upon-Tyne, out of business: in the Gaol of Newcastle-upon-Tyne.—*Mary Anne Jennings*, Axminster, Devonshire, victualler: in the Gaol of St. Thomas the Apostle.—*Den. Kinman*, East Stonehouse, Devonshire, out of business: in the Gaol of St. Thomas the Apostle.—*Robert Westcott*, Torquay, Tormoham, Devonshire, plasterer: in the Gaol of St. Thomas the Apostle.—*Thos. Rake*, Wilcot, Bath, Somersetshire, out of business: in the Gaol of Walton.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Friday, Nov. 27, at 9.*

*Ann E. Pecqueur*, King-st., Portman-sq., Middlesex, upholsteress.—*Wm. Tibbidge*, St. Pancras-place, St. Pancras Old-road, and Bangor Slate-wharf, Agar-town, St. Pancras, Middlesex, dealer in marine stores.—*Luke H. Cove*, Brompton-row, Brompton, Middlesex, coal merchant.—*Wm. Hughes*, Church-road, Kingsland-road, Middlesex, plasterer.—*F. G. Delamotte*, Brownlow-st., High Holborn, Middlesex, artist.—*Jas. Garland*, Exeter-st., Sloane-st., Chelsea, Middlesex, out of business.

*Court-house, LEICESTER, (County), Nov. 28 at 10.*

*Thos. Ross* the elder, Leicester, out of business.—*William Rowland*, Loughborough, veterinary surgeon.—*Henry Domes Hitebeck*, Leicester, painter.—*Robert Long*, King's Norton, in no business.

*Court-house, BODMIN, Cornwall, Nov. 30 at 10.*

*Benj. Pearce*, Guival, near Fensance, farmer.—*Wm. Jose*, Cury, bailiff.—*James Arthur*, St. Neot, grocer.—*Nicholas Bennett*, Kee, innkeeper.—*Wm. Tyack*, Ladgvan, innkeeper.—*Peter Tandy*, Camborne, turner.

*Court-house, NORTHAMPTON, (County), Nov. 30 at 10.*

*John P. Ivens*, Woodford, near Thrapstone, innkeeper.

Her Majesty has been pleased to appoint *W. Hodges*, Esq., of the Western Circuit, Recorder of Poole, in the room of *W. Bond*, Esq., deceased.

**MASTERS IN CHANCERY.**—The Lord Chancellor has appointed the following gentlemen Masters Extraordinary in the high Court of Chancery:—*James Pratt*, Wootton Bassett, Wiltshire; *William Norris*, Manchester.

The Right Hon. Sir Thomas Wilde, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas, has appointed *George Cox*, of the city of Bath, Gent., to be one of the Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women, in and for the city of Bath, also in and for the county of Somerset.

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Printed by WALTER M'DOWALL, PRINTER, residing at No. 1, Pemberton Row, Gough Square, in the Parish of St. Bride, in the City of London, at his Printing Office, situate No. 8, Pemberton Row aforesaid; and Published at No. 3, CHANCERY-LANE, in the Parish of St. Dunstan in the West, in the City of London, by HENRY SWEET, Law Bookseller and Publisher, residing at No. 11, John Street, Bedford Row, in the County of Middlesex. Saturday, November 14, 1846.



# The Jurist

No. 515—Vol. X.

NOVEMBER 21, 1846.

PRICE 1s.

\* \* The following are the Names of the Gentlemen who favour THE JURIST with Reports of Cases argued and decided in the several Courts of Law and Equity:—

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		Court of Review .....	{ W. W. COOPER, Esq. of the Inner Temple, Barrister at Law.

LONDON, NOVEMBER 21, 1846.

WE call the attention of our readers to a very important decision, (*Re Pender*, reported 10 Jur. 891), in reference to the taxation of a solicitor's bill of costs, under the 6 & 7 Vict. c. 73.

The principal question in the case was, whether, in order to bring a solicitor's bill within the act, for the purpose of referring it for taxation, the bill must have been signed; and this question turned upon the construction of the 37th section of the act, which, so far as relates to the matter in hand, is in the following words:—"That no attorney or solicitor shall commence or maintain any action or suit for the recovery of any fees, charges, or disbursements for any business done by such attorney or solicitor, until the expiration of one month after such attorney or solicitor, or executor, administrator, or assignee of such attorney or solicitor, shall have delivered unto the party charged therewith, or sent by the post to, or left for him at his counting-house, office of business, dwelling-house, or last known place of abode, a bill of such fees, charges, and disbursements, and which bill shall either be subscribed with the proper hand of such attorney or solicitor, or be inclosed in or accompanied by a letter subscribed in like manner, referring to such bill; and, upon the application of the party chargeable by such bill within such month, it shall be lawful" &c.

In *Re Pender*, bills of costs were delivered by a solicitor to his client, which were neither signed by him, nor inclosed in a letter, signed, referring to the bill in the manner prescribed by the act. The client referred the bills for taxation; and it was contended by the solicitor, that the court could not, under the act, direct the bills to be taxed, on account of their not being signed, or inclosed in a letter signed, pursuant to the act. The question was, in effect, whether the act in-

tended merely to impose upon an attorney, as a personal condition, to be fulfilled before he can sue for his bill, the signing it, or inclosing it in a letter signed; or whether it meant the condition to be annexed to the very existence of the bill as a bill. Were it not, firstly, for the proverbial hatred of taxation which pervades the class of solicitors no less than every other class of her Majesty's subjects; secondly, for the equally proverbial aptness of counsel to see, if necessary, and contend for every possible meaning of words except their natural and obvious one; and, thirdly, for the habitual impression, produced by the experience of at least the last fifteen years on the minds of lawyers, that an act of Parliament cannot have a clear meaning,—one would be astonished at the audacity of that astuteness, which could see in the 37th clause of the 6 & 7 Vict. c. 73, any other meaning than that which the Master of the Rolls and the Lord Chancellor have declared belongs to it.

The act first declares, that an attorney or solicitor shall not sue for his fees till he has delivered or sent a bill of such fees, thereby giving to the instrument that he is to deliver, its character of a bill. Then the act goes on to direct, that such bill, that is, a bill unsigned, shall be signed or sent in a letter signed and referring to it: and then, thirdly, comes the power given to the party chargeable by such bill, to apply to the court for an order for its taxation. If the act had meant that a bill is not a bill until it is signed, it would have said so; but, on the contrary, it speaks of the instrument to be delivered, as a bill before it is signed; and, with regard to the signing, all that the act says is, that, before an attorney can sue upon his bill, it must be signed. Again, when the act speaks of "the application of the party chargeable by such bill," it does not refer to such bill for the first time, and therefore the reference does not of necessity apply exclusively to a bill accompanied

by signature; the very words of the act which direct the signature, referring to the antecedent description of a bill, necessarily not a signed bill. There is nothing, therefore, from which to infer, even on grounds of the purest technicality, that the act, in authorising the client to apply for taxation of such bill, meant to refer to a bill signed. Again, although at first sight it might appear, as it seems to have been argued in *Re Pender*, that, when the act speaks of the party chargeable by such bill, it must be speaking of a bill signed, because, if the bill is not signed, the attorney cannot recover upon it, and therefore, in a sense, the client is not chargeable; yet a little consideration shews that this cannot be the meaning of the word "chargeable;" for the client is as chargeable on the bill before as after signature; the chargeability being, not the immediate susceptibility of being the subject of an action, but the inchoate liability to pay, whenever the formal proceedings necessary to authorise the attorney to sue, are taken by him.

We apprehend, that the signing of the bill under the statute under consideration, is to the chargeability of the client, what the stamping of a deed is, in general, to the chargeability of the parties affected by such deed. The liability of the party affected, depends, not upon the signing in the one case, more than it does upon the stamping in the other; each of these formalities being an ingredient necessary, not for the purpose of giving its legal effect to the instrument, but merely for the purpose of enabling the party claiming under it, to bring it before the court.

The argument, however, which cannot be got over, is that which is put so prominently by the Lord Chancellor: "I have also," said his Lordship, "to consider what would be the result of adopting the one or the other construction; and I have in vain endeavoured to see what benefit would arise to either party from its being necessary that the bill should be signed."

The result of the decision is, that the condition respecting the signing of an attorney's bill of costs, is a condition not affecting the nature of the bill, but merely imposed upon the attorney, so that he must comply with it before he can proceed to sue upon his bill; and that it does not affect the client, so that his right to taxation is quite independent of the question, whether the bill, if it has been delivered, is signed or not. The decision would, of course, be an authority, whether it seemed consistent with plain common sense or not. But it is always satisfactory when one finds that a decision, which is an authority, is, as we conceive this one to be, as far from technicality, and as near common sense as possible.

A case has very recently been decided by the Vice-Chancellor of England, (*Hall v. Hugonin*, reported in this day's JURIST), which seems to sweep away all the refinements that have been thought to surround the question of the possibility of getting at a married woman's reversionary interest in personalty, so as to dispose of it; and to place the doctrine on this broad basis,—that wherever any prior interests can be transferred to or for the benefit of the married woman, so as to give her in effect the whole estate, she may, with the assistance of the court, dispose of it.

The case of *Hall v. Hugonin*, stripped of the facts not bearing upon this point, was this: that A., a married woman, being entitled as next of kin to a Mrs. Edgar to a share of a trust-fund, consisting of money in the funds, in which Edgar, the husband, had a life estate; A. and his wife took an assignment of Edgar's life estate to the wife of A., to the intent that such life estate might be merged in the wife's reversion, and that the reversion might thereby be reduced into possession; the parties in this case following strictly the authority

of *Lachton v. Adams* (5 Law Journ. 382) and *Creed v. Perry* (2 New Eq. Rep. 42; and see 10 Jur. 516).

The trustees refusing to transfer the fund to the husband of A., he filed a bill against them, to take the opinion of the court; and His Honor the Vice-Chancellor was of opinion, that, upon a petition by the husband to transfer, the wife consenting, the transfer would be ordered. His Honor thought that this was not a case to which the doctrine of merger applied; and put his decision on the ground, that the married woman, being entitled to the life interest and reversion, had such an interest as could be dealt with in equity as if she had the whole interest.

This case is peculiarly important, because, although the same judge has already decided two others of a similar nature in the same way, (*Wilson v. Oldham*, Lewin on Trusts, 296, and *Creed v. Perry*, cited supra), one of those cases (*Wilson v. Oldham*) was, it is believed, decided without any argument at all, (probably it was heard as a short cause); and in the other, although the point was called to the attention of the court, there was no argument, and it is believed that only one case was cited. (See the observations on *Creed v. Perry*, 10 Jur. 516). The principal case was, on the contrary, very fully argued, and by counsel of eminence, and the court delivered, as will be seen by the report, an elaborate judgment. It may be considered, therefore, as a solemn decision of the question so much contested of late in the Profession, and considered to be of so much difficulty so lately as 1844, that the Master of the Rolls refused to decide it upon petition. (*Story v. Tovey*, 7 Beav. 91). And, unless *Hall v. Hugonin* should be overruled, which, looking at the state of the authorities, is not now likely, the rule of the court may henceforth be considered to be, that wherever a married woman has a reversion in personalty, preceded by life interests in other persons, if those interests can be made over to the married woman, then, by apt proceedings in the Court of Chancery, she may dispose of the whole fund. C. S. D.

## COURT OF QUEEN'S BENCH.

MICHAELMAS TERM.—10 VICTORIA.—Nov. 16.

The following Reg. Gen. was read in court:—

"It is hereby ordered, that so much of the Table of Fees signed by the judges, and ordered to be inrolled on the 20th December, 1837, purporting to be made pursuant to the stat. 1 Vict. c. 55, as relates to process at the suit of the Crown, be annulled."

(Signed)	DENMAN,	T. COLTMAN,
	THOMAS WILDE,	R. M. ROLFE,
	FRED. POLLOCK,	W. WIGHTMAN,
	J. PARKE,	W. ERLE,
	E. H. ALDERSON,	T. J. PLATT,
	J. PATENSON,	E. V. WILLIAMS,
	J. T. COLERIDGE,	

This court will, on Monday the 30th instant, and the five next following days, and on Thursday, the 17th day of December next, hold sittings, and will proceed in disposing of the business in the Crown Paper, the Special Paper, and the New Trial Paper, and will give judgment in cases which shall then be pending.

By THE COURT.

Nov. 16.—Lord Denman, C. J., delivered the judgment of the court in the following cases, in which a rule nisi had been moved for in the early part of the term:—

Blagg v. Sturge—Rule refused.  
 Bromage v. Vaughan—Rule refused.  
 Robert v. Williams—Rule refused.  
 Bush v. Weiss—Rule refused.  
 Hole v. White—Rule refused.

*Doe d. Davies v. Davies*—Rule refused.  
*Rawson v. Anderson*—Rule refused.  
*Bell v. Ridley*—Rule refused.  
*Tennant v. Bell*—Rule refused.  
*Lyndhurst v. Craft*—Rule refused.  
*Weston v. Petter*—Rule refused.

A rule nisi was granted in the following cases:—

*Linford v. Fitzroy*                      *Carruthers v. West*  
*Davies v. Williams*                    *Harrison v. Banker*

**Nov. 20.**—Lord Denman, C. J., delivered the judgment of the court in the following cases, in which rules nisi had been moved for in the early part of the term:—

*Barnett v. Cox*—Rule refused.  
*Slater v. Hudson*—Rule refused.  
*Gale v. Lewis*—Rule refused.  
*Gurney v. Gurney*—Rule nisi granted.  
*Reg. v. Shorley*—Rule nisi granted.

Lord Denman, C. J., also delivered the judgment of the court in

*Phillips v. Broadley*—Rule absolute for reducing the verdict to 7l. Rule discharged as to the residue.  
*Sutton v. Macquiere*—Rule discharged.

### London Gazette.

TUESDAY, NOVEMBER 17.

#### BANKRUPTS.

**THOMAS LAMBERT POWELL**, Romsey, Hampshire, cabinet maker, Nov. 25 at half-past 11, and Dec. 23 at 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Husband & Wyatt, 1, Moorgate-street, London.—Fiat dated Nov. 13.

**WILLIAM HODGES**, Kingsgate-st., Holborn, Middlesex, cloth worker, presser, and packer, Nov. 25 at half-past 1, and Dec. 29 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Shaw & Newstead, 18, Ely-place, Holborn.—Fiat dated Nov. 14.

**RICHARD KENT PAYNE**, Brighton, Sussex, grocer and tea dealer, dealer and chapman, Nov. 26 at 2, and Dec. 22 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Blaker & Co., Lewes, Sussex; Sowton, 27, Great James-st., Bedford-row.—Fiat dated Nov. 12.

**JOHN DODGSON and GEORGE BRADBURY**, Bishopsgate-street Without, and Moor-lane, Fore-street, London, ironmongers and mustard manufacturers, Dec. 1 at half-past 2, and Jan. 12 at 12, Court of Bankruptcy, London: Off. Ass. Groom; Sol. Murray, London-st., Fenchurch-st.—Fiat dated Nov. 16.

**WILLIAM REEVES**, Horseferry-road, Limehouse, Middlesex, live stock dealer, Nov. 26 at half-past 11, and Dec. 19 at 11, Court of Bankruptcy, London: Off. Ass. Green; Sol. Wells, 1, Brunswick-terrace, Commercial-road East. Fiat dated Nov. 14.

**ROBERT MANN**, Huntingdon, Huntingdonshire, chemist and druggist, dealer and chapman, Dec. 8 at half-past 2, and Jan. 12 at 11, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Hunnybun, Huntingdon; Fox & Britten, 1, Basinghall-st., London.—Fiat dated Nov. 13.

**JOHN ECKSTEIN**, High-street, Notting-hill, Kensington, Middlesex, ironmonger, dealer and chapman, Nov. 27 and Dec. 28 at 2, Court of Bankruptcy, London: Off. Ass. Turquand; Sol. Neal, 5, Austin-friars.—Fiat dated Nov. 12.

**WILLIAM ROLFE**, Leyton, Essex, corn dealer, Nov. 27 at 2, and Dec. 28 at half-past 1, Court of Bankruptcy, London: Off. Ass. Turquand; Sol. Ogle, Great Winchester-street.—Fiat dated Nov. 16.

**ALEXANDER AUGUSTUS MACKEY and NATHANIEL JAMES WHITE HOLT**, St. Helen's-pl., Bishopsgate-street, London, merchants, dealers and chapmen, (carrying on trade in London together with James Henry Mackey, of Calcutta, in the East Indies, their co-partner, in the firm of Mackey, Holt, & Co.), Nov. 30 at 2, and Dec. 28 at half-past 11, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Freshfields, New Bank-buildings.—Fiat dated Nov. 13.

**JAMES CHURCHYARD**, Sutherland-terrace, Cold-harbour-lane, Brixton, Surrey, carpenter and builder, dealer and chapman, Nov. 27 at 12, and Dec. 28 at 11, Court of Bankruptcy, London: Off. Ass. Turquand; Sols. Jenkinson & Co., 29, Lombard-st.—Fiat dated Nov. 11.

**STEPHEN WOODGATE**, Westmoreland-place, Southampton-street, Camberwell, Surrey, auctioneer and furniture dealer, and electrico-chemical gilding and plating manufacturer, dealer and chapman, Nov. 27 at half-past 12, and Dec. 28 at half-past 11, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Thistlewood, Lawrence-lane.—Fiat dated Nov. 13.

**JOHN MARSTON**, Birmingham, (carrying on business under the name of John Hunter), surgeon and apothecary, Dec. 2 and 24 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Hair, Kidderminster; Mottram & Knowles, Birmingham.—Fiat dated Nov. 12.

**WILLIAM HUNTER**, Rainford, Lancashire, manager of a quarry, Nov. 23 and Dec. 15 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sols. Green, Liverpool; Gregory & Co., Bedford-row, London.—Fiat dated Nov. 4.

**JOHN THOMAS**, Cwmbach, Aberdare, Glamorganshire, builder and shopkeeper, Dec. 2 at 12, and Dec. 31 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sol. Leman, Bristol.—Fiat dated Nov. 11.

**DAVID GOSTICK**, Keighley, Yorkshire, grocer and druggist, dealer and chapman, Dec. 3 and 23 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Upton, Leeds; Few & Co., London.—Fiat dated Nov. 10.

**ROBERT PARKINSON the younger**, Leeds, Yorkshire, stock broker, share broker, and general commission agent, dealer and chapman, (trading under the firm of Robert Parkinson, jun., & Co., formerly of Leeds, carrying on business in copartnership with James Hebden, as stock and share brokers, under the style or firm of Hebden & Parkinson), Dec. 3 and 23 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sols. Harle & Clarke, Leeds; Jones & Co., John-street, Bedford-row, London.—Fiat dated Nov. 11.

**JOHN KNIGHT**, Birmingham, timber merchant, dealer and chapman, Dec. 1 and 22 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sols. Mottram & Knowles, Birmingham; Smith & Co., Bedford-row, London.—Fiat dated Nov. 13.

**HENRY LEONARD**, Cheltenham, Gloucestershire, ironmonger and lamb dealer, Nov. 30 and Dec. 29 at 1, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sols. Bubb & Co., Cheltenham.—Fiat dated Nov. 12.

**CHARLES TAYLOR**, Mirfield, Yorkshire, common brewer, Nov. 28 and Dec. 18 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Freeman, Huddersfield; Sanderson, Leeds; Yonge & Co., Tokenhouse-yard, London.—Fiat dated Nov. 12.

**HENRY JAMES PALMER**, Wantage, Berkshire, grocer, dealer and chapman, Nov. 27 at half-past 1, and Dec. 28 at 12, Court of Bankruptcy, London: Off. Ass. Turquand; Sol. Thrupp, 2, Winchester-buildings.—Fiat dated Nov. 16.

**JAMES ULLATHORNE**, Spencer-place, Brixton-road, Surrey, builder, plumber, painter, and glazier, Nov. 26 at half-past 2, and Dec. 31 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Wadeson, Austin-friars.—Fiat dated Nov. 12.

#### MEETINGS.

*Anthony George Wright Biddulph*, *John Wright*, *Henry Robinson*, and *Edmund Wm. Jerningham*, Henrietta-street, St. Paul, Covent-garden, Middlesex, bankers, Nov. 27 at half-past 2, Court of Bankruptcy, London, pr. d.—*Jas. Stubbs*, Worthing and Brighton, Sussex, coach maker, Dec. 9 at 11, Court of Bankruptcy, London, pr. d. and div.—*Benjamin Clark*, Kingston-upon-Thames, Surrey, export ale merchant, Nov. 21 at 12, Court of Bankruptcy, London, last ex.—*Th. Wallis*, College-street, Chelsea, Middlesex, builder, Nov. 19 at 1, Court of Bankruptcy, London, last ex.—*John Ricketts*, Gosport, Southampton, grocer, Dec. 14 at half-past 12, Court of Bankruptcy, London, aud. ac.; Dec. 14 at 1, div.—*Edw. Roberts*, Liverpool, corn merchant, Dec. 11 at 11, District Court of Bankruptcy, Liverpool, aud. ac.; Dec. 15 at 11, div.—*Wm. Withers Benn*, Liverpool, merchant, Dec. 15 at 12, District Court of Bankruptcy, Liverpool, aud. ac.; Dec. 18 at 11, div.—*Thomas Siddons*, Liverpool, ironmonger, Dec.

15 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*George Edward Schultz* and *Henry Ward Carr*, Liverpool, stockbrokers, Dec. 15 at 12, District Court of Bankruptcy, Liverpool, aud. ac.; Dec. 18 at 1, div.—*W. Kelly*, Chester, common brewer, Dec. 11 at 12, District Court of Bankruptcy, Liverpool, aud. ac. and div.—*William Kirby*, Liverpool, hotel keeper, Dec. 8 at 11, District Court of Bankruptcy, Liverpool, aud. ac.; Dec. 11 at 11, div.—*Henry Hutchinson*, Liverpool, merchant, Dec. 8 at 12, District Court of Bankruptcy, Liverpool, aud. ac.—*John M. Gibbon*, Liverpool, boot-maker, Dec. 8 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*John Evans*, Liverpool, ironmonger, Dec. 11 at 12, District Court of Bankruptcy, Liverpool, aud. ac.—*Joseph Greaves Smith*, Liverpool, grocer, Dec. 8 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Benjamin Marshall*, Huddersfield, Yorkshire, and Selbridge Abbey, Kildare, Ireland, woollen manufacturer, Dec. 8 at 12, District Court of Bankruptcy, Liverpool, aud. ac.—*Wm. Dunnett*, Manchester, commission agent, Dec. 22 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Dec. 23 at 12, div.—*Wm. Grundy*, Manchester, yarn dealer, Dec. 22 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*J. Grundy*, Ramsbottom, Tottington Lower End, Lancashire, woollen manufacturer, Dec. 21 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Dec. 22 at 12, div.—*J. Astley*, Manchester, and Whitefield, Lancashire, fustian manufacturer, Dec. 10 at 11, District Court of Bankruptcy, Manchester, aud. ac.; Dec. 17 at 12, div.—*J. Atwood Beaver*, Manchester, cotton spinner, Dec. 10 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Dec. 11 at 12, div.—*John Shorland*, Bristol, grocer, Dec. 18 at 11, District Court of Bankruptcy, Bristol, aud. ac.—*Wm. Henry Housfield*, Cardiff, Glamorganshire, draper, Dec. 17 at 12, District Court of Bankruptcy, Bristol; aud. ac.; Dec. 22 at 11, div.—*Maria Bird*, Cheltenham, Gloucestershire, milliner, Dec. 17 at 1, District Court of Bankruptcy, Bristol, aud. ac.—*Richard Perry*, Leeds, Yorkshire, hatter, Dec. 12 at 11, District Court of Bankruptcy, Leeds, aud. ac.; Dec. 15 at 11, first and fin. div.—*E. Lilley*, Kingston-upon-Hull, timber merchant, Dec. 9 at 10, Town-hall, Kingston-upon-Hull, aud. ac.—*Wm. Heskin Osborn*, Leicester, and *H. Webster Blackburn*, Bradford, Yorkshire, out of business, Dec. 12 at 11, District Court of Bankruptcy, Leeds, aud. ac.; Dec. 15 at 11, div. sep. est. of *W. Heskin Osborn*.—*John Yeardley*, *William Yeardley*, and *Elizabeth Yeardley*, Ecclesfield-mill, Ecclesfield, Yorkshire, flax spinners, Dec. 11 at 11, District Court of Bankruptcy, Sheffield, aud. ac. and fin. div.—*Michael Wilson Osborne*, Coventry, Warwickshire, grocer, Dec. 17 at 12, District Court of Bankruptcy, Birmingham, aud. ac.; Dec. 19 at 12, div.—*John Broom*, Kidderminster, Worcestershire, and St. Mildred's-court, Poultry, London, carpet manufacturer, Dec. 24 at 12, District Court of Bankruptcy, Birmingham, aud. ac.—*Rich. Wankin Bellamy*, Ross, Herefordshire, grocer, Dec. 5 at 10, District Court of Bankruptcy, Birmingham, aud. ac.—*Henry Van Wart*, Birmingham, merchant, Dec. 8 at half-past 10, District Court of Bankruptcy, Birmingham, aud. ac.—*Wm. Birch Price* and *John Edwards*, Shrewsbury, Shropshire, bankers, Nov. 24 at 11, District Court of Bankruptcy, Birmingham, aud. ac. sep. est. of *John Edwards*.—*John Douglas Herrick*, Colchester, Essex, grocer, Dec. 8 at 1, Court of Bankruptcy, London, div.—*Edward Jones*, Liverpool, ironmonger, Dec. 11 at 11, District Court of Bankruptcy, Liverpool, div.—*Joseph Taylor*, Liverpool, merchant, Dec. 11 at 11, District Court of Bankruptcy, Liverpool, div.—*C. Hall*, Liverpool, merchant, Dec. 8 at 11, District Court of Bankruptcy, Liverpool, div.—*William Worrall* and *Robert Williamson*, Liverpool, merchants, Dec. 8 at 11, District Court of Bankruptcy, Liverpool, div.—*J. Leadbeater*, Manchester, manufacturer of shirtings and calicoes, Dec. 9 at 11, District Court of Bankruptcy, Manchester, div.—*Robt. Barker*, Manchester, druggist, Dec. 8 at 12, District Court of Bankruptcy, Manchester, div.—*Wm. Baker*, Manchester, and Salford, Lancashire, plasterer, Dec. 9 at 12, District Court of Bankruptcy, Manchester, div.—*Thos. Langston*, Manchester, sharebroker, Dec. 21 at 11, District Court of Bankruptcy, Manchester, div.—*Rich. Carlisle Copleton*, Cheltenham, Gloucestershire, tea dealer, Dec. 10 at 11, District Court of Bankruptcy, Bristol, div.—*Stephen Ashkam*, Bradford, Yorkshire, commission agent, Dec. 12 at 11, District Court of Bankruptcy, Leeds, fin. div.—*Alfred Wm. John Mason*, Edgbaston, Warwickshire, builder, Dec. 5 at 10, District

Court of Bankruptcy, Birmingham, div.—*Thomas Wenman*, Birmingham, merchant, Dec. 5 at 10, District Court of Bankruptcy, Birmingham, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Wm. Mitchell*, Westerham, Kent, draper, Dec. 9 at 2, Court of Bankruptcy, London.—*Jas. Bird*, Club-row, Bethnal-green, Middlesex, timber merchant, Dec. 10 at 11, Court of Bankruptcy, London.—*Thos. Pilbeam*, Parker-st., Drury-lane, and Hanover-court, Hart-st., Covent-garden, Middlesex, coach smith, Dec. 11 at 11, Court of Bankruptcy, London.—*Geo. Kidman*, Long-alley, Middlesex, victualler, Dec. 14 at 12, Court of Bankruptcy, London.—*John Cramp*, Garinge, Margate, Kent, cowkeeper, Dec. 14 at 1, Court of Bankruptcy, London.—*Jos. Wilcox*, Little Bell-alley, Moorgate-st., London, tailor, Dec. 14 at half-past 1, Court of Bankruptcy, London.—*Edmund Burke Kilpin*, Ryde, Isle of Wight, Southampton, jeweller, Dec. 14 at half-past 12, Court of Bankruptcy, London.—*Thos. Morris*, Emlay, Carmarthenshire, linen draper, Dec. 17 at 12, District Court of Bankruptcy, Bristol.—*Henry Cowie* and *Jas. Clark*, Liverpool, merchants, Dec. 8 at 11, District Court of Bankruptcy, Liverpool.—*Aaron Linley*, Sheffield, Yorkshire, sheep shear manufacturer, Dec. 11 at 11, Town-hall, Sheffield.—*Wm. Aston*, Lapsley, Staffordshire, maltster, Dec. 8 at 11, District Court of Bankruptcy, Birmingham.—*Wm. Brook*, Manchester, and Goldsmith-st., London, stuff merchant, Dec. 9 at 12, District Court of Bankruptcy, Manchester.—*Robert Kirkpatrick*, Manchester, ironfounder, Dec. 10 at 12, District Court of Bankruptcy, Manchester.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Dec. 8.*

*Robert Harding Evans*, New Bond-st., Middlesex, auctioneer.—*Walter M'Dowall*, Pemberton-row, Gough-square, London, printer.—*Wm. Wood*, Shrewsbury, Shropshire, wine merchant.—*T. Doubbery*, New Farringdon-st., London, boot factor.—*Peter M'Shane*, Dundalk, Louth, Ireland, cattle dealer.—*Edward Mundy*, Liverpool, house agent.—*Samuel Reading*, Birmingham, button manufacturer.

#### FIAT ANNULLED.

*Thos. Smith*, Burrowes-mews, John-street, Blackfriars-road, Surrey, cab master.

#### PARTNERSHIPS DISSOLVED.

*Benj. Geo. Tyzack* and *Thos. Carr Lietch*, North Shields, Northumberland, attorneys and solicitors.—*H. W. Taylor* and *John Speakman*, Manchester, attorneys, solicitors, and conveyancers.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Chas. Henry Quick*, Shirley, Millbrook, Hampshire, out of business, Nov. 26 at 11, Court of Bankruptcy, London.—*Jos. Batchelor*, Weston-place, Paddington, Middlesex, omnibus driver, Nov. 24 at half-past 11, Court of Bankruptcy, London.—*John Jay*, Romford, Essex, bricklayer, Nov. 24 at half-past 12, Court of Bankruptcy, London.—*J. Badman*, Compton-st., Clerkenwell, Middlesex, dealer in cigars, Nov. 24 at 12, Court of Bankruptcy, London.—*William Weston*, Oxford, hair dresser, Nov. 24 at 1, Court of Bankruptcy, London.—*Ed. Page*, Clare-market, Middlesex, butcher, Nov. 24 at 12, Court of Bankruptcy, London.—*Abraham Amos Crapp*, Stanhope-st., Clare-market, Middlesex, overlooker in the press department at the printing-office of Mr. Hansard, Parker-street, Drury-lane, Middlesex, Nov. 24 at 1, Court of Bankruptcy, London.—*Thos. Wheeler*, Castle-place, Kentish-town, Middlesex, out of business, Nov. 24 at 11, Court of Bankruptcy, London.—*Jas. Huckleby*, North-wharf-road, Paddington, Middlesex, carman, Nov. 24 at half-past 11, Court of Bankruptcy, London.—*Wm. Bowness*, Brownlow-st., Holborn, Middlesex, tea dealer, Nov. 24 at half-past 1, Court of Bankruptcy, London.—*Henry Carr*, York, share broker, Nov. 25 at 11, District Court of Bankruptcy, Leeds.—*Thomas Mountain*, Adwalton, Birstal, Yorkshire, coal leader and earthenware dealer, and *Martha Mountain*, his wife, Nov. 25 at 11, District Court of Bankruptcy, Leeds.—*John Fawcett*, Leeds, Yorkshire, card maker, Nov. 25 at 11, District Court of Bankruptcy, Leeds.—*Richard Nash*, Open-

shaw, Lancashire, brick maker, Nov. 26 at 11, District Court of Bankruptcy, Manchester.—*Robert Arthur Kenney*, Upper Kennington-green, Surrey, schoolmaster, Nov. 24 at half-past 11, Court of Bankruptcy, London.—*Henry Stowe*, Witney, Oxfordshire, coach maker, Nov. 24 at half-past 11, Court of Bankruptcy, London.—*Emelie Catharine de Massow*, Thurlow-place, Thurlow-square, Brompton, Middlesex, widow, Nov. 24 at 11, Court of Bankruptcy, London.—*Thos. Cox*, Buller-place, Notting-hill, Kensington, Middlesex, dealer in old building materials, Nov. 24 at 11, Court of Bankruptcy, London.—*Benj. Woodall*, Dudley, Worcestershire, fire iron maker, Nov. 21 at 11, District Court of Bankruptcy, Birmingham.—*Edward Jinks*, Birmingham, out of business, Nov. 21 at 10, District Court of Bankruptcy, Birmingham.—*Thos. Brown*, Newcastle-upon-Tyne, attorney at law, Dec. 4 at half-past 10, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Edward H. Roberts*, Wells, Somersetshire, schoolmaster, Dec. 15 at 11, District Court of Bankruptcy, Bristol.—*Jos. Townsend*, Bristol, cabinet maker, Dec. 17 at 11, District Court of Bankruptcy, Bristol.—*Jacob Seergeant*, Trowbridge, Wiltshire, cabinet maker, Dec. 4 at 11, District Court of Bankruptcy, Bristol.—*Wm. Couleting*, Bristol, brush manufacturer, Dec. 10 at 11, District Court of Bankruptcy, Bristol.—*George M. Shepherd*, Cannock, Staffordshire, horse trainer, Nov. 21 at 10, District Court of Bankruptcy, Birmingham.—*John F. Milnes*, Nottingham, engraver, Nov. 20 at 10, District Court of Bankruptcy, Nottingham.

*Saturday, Nov. 14.*

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*George Cannon*, Millfield-place, Green-lane, Stoke Newington, builder, No. 58,489 T.; *Henry Hammond*, assignee.—*Joseph Barnett*, Abergavenny, Monmouthshire, innkeeper, No. 50,473 C.; *Wm. Pulling*, assignee.—*Thomas Dickons*, York, tailor, No. 67,591 C.; *Geo. P. Bainbridge*, assignee.—*Wm. Banks*, Kirby Moorside, Yorkshire, chair maker, No. 67,635 C.; *Thomas Pearson* and *Thomas Phillips*, assignees.—*Thomas East*, Lower Heyford, Oxfordshire, baker, No. 67,645 C.; *William East*, assignee.—*Martin Bell*, Little Snoring, Norfolk, blacksmith, No. 67,723 C.; *Chas. Baker*, assignee.—*William Wharrie*, Otley, Yorkshire, tinman, No. 67,728 C.; *John Tennant* and *John Manby*, assignees.—*Thomas Edw. Clarke*, Acle, Norfolk, surgeon, No. 67,731 C.; *S. B. Sherrington*, assignee.

*Saturday, Nov. 14.*

*Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—*  
(On their own Petitions).

*Richard Hall*, High-street, Poplar, Middlesex, clothier: in the Debtors Prison for London and Middlesex.—*Henry Jennings*, Gray's-inn-rd., Middlesex, servant: in the Debtors Prison for London and Middlesex.—*Wm. Houghton*, South Conduit-street, Bethnal-green, Middlesex, paper stainer: in the Debtors Prison for London and Middlesex.—*Jas. Lucy*, Burton-street, Burton-crescent, Middlesex, town traveller to a soup manufacturer: in the Debtors Prison for London and Middlesex.—*Nathaniel Levy*, Aldgate High-street, London, assistant to a carcass butcher: in the Debtors Prison for London and Middlesex.—*W. H. Chapman*, Somerset-pl., Havill-st., Camberwell, Surrey, tea dealer: in the Queen's Prison.—*Henry Nicks*, Romford, Essex, eating-house keeper: in the Gaol of Chelmsford.—*Edw. Jas. Holton*, Warminster, Wiltshire, licensed victualler: in the Gaol of Fisherton Anger.—*Thomas Maylam Walker*, Salisbury, Wiltshire, tailor: in the Gaol of Fisherton Anger.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Thursday, Dec. 3, at 9.*

*George Jones*, Maddox-street, Regent-street, Middlesex, author.—*Henry James Martin*, Bartholomew-close, London, out of business.—*Wm. Spriggins*, Waterloo-terrace, Commercial-road East, Middlesex, tobacconist.—*William Cooper*, Lower Shadwell, Middlesex, brewer.

*Court-house, EXETER, Devonshire, Dec. 2, at 10.*

*Daniel Kinsman*, East Stonehouse, out of business.—*Robert Westcott*, Torquay, plasterer.—*Mary Anne Jennings*, Axminster, victualler.—*Joseph Stamp*, Henton, labourer.—*Christopher Chown*, Alphonston, out of business.

*Court-house, CHESTER, (County), Dec. 2, at 10.*

*Wm. Benson*, Chester, architect.—*Wm. Davenport*, Farn-

don, wheelwright.—*Samuel Martin*, Hewhall, Acton, near Nantwich, labourer.—*Philip Ason*, Great Bedbury, near Stockport, joiner.—*W. Martin*, Birkenhead, Cheshire, newspaper vender.—*Rob. Turner*, Devonport, out of business.—*Wm. Croft*, Liverpool, joiner.—*James Holt*, Handforth, near Willslow, labourer.—*Francis Harding*, Lime-kiln-lane, near Birkenhead, retail beer-seller.

**FRIDAY, Nov. 20.**

**BANKRUPTS.**

**SAMUEL YORKE**, Cambridge, upholsterer, dealer and chapman, Nov. 28 at 2, and Jan. 13 at half-past 11, Court of Bankruptcy, London: Off. Ass. Follett; Sols. Bristow & Tarrant, Bond-court, Walbrook.—Fiat dated Nov. 19.

**EDWIN BRYANT**, Lime-st.-square, London, merchant, dealer and chapman, Nov. 27 at 1, and Jan. 8 at 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Cutler, Bell-yard, Doctors'-commons.—Fiat dated Nov. 18.

**JOHN VARNEY**, Clement's-inn-passage, Clare-market, Middlesex, grocer, Nov. 27 and Dec. 29 at 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Rosser & Co., Fenchurch-street.—Fiat dated Nov. 12.

**SERVAIS JAMAR**, Frith-st., Soho, Middlesex, cabinet maker, dealer and chapman, Nov. 27 at 12, and Dec. 29 at 11, Court of Bankruptcy, London: Off. Ass. Belcher; Sols. Hill & Everill, 21 A, Soho-square.—Fiat dated Nov. 17.

**JOHN FAYRER** and **WILLIAM FAYRER**, Nutford-place, Edgware-road, Mary-le-bone, Middlesex, cabinet makers, Nov. 27 at half-past 1, and Dec. 29 at 11, Court of Bankruptcy, London: Off. Ass. —; Sol. Hilleary, Fenchurch-street.—Fiat dated Nov. 16.

**ALEXANDER DENHOLM**, Queen-street, Stepney, Middlesex, linendraper, Nov. 27 at 2, and Jan. 13 at 11, Court of Bankruptcy, London: Off. Ass. Green; Sol. Cook, 30, King-st., Cheap-side.—Fiat dated Nov. 18.

**CHARLES BORER**, Elliott's-row, Lower-road, Islington, Middlesex, grocer, dealer and chapman, Nov. 24 at 12, and Dec. 19 at 1, Court of Bankruptcy, London: Off. Ass. Follett; Sols. Hine & Co., Charterhouse-square.—Fiat dated Nov. 13.

**CHARLES GOODWIN**, Great Guildford-street, Southwark, Surrey, plasterer and cement manufacturer, Dec. 2 at 1, and Dec. 31 at 2, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Butler, jun., 134, Tooley-street, Southwark.—Fiat dated Nov. 18.

**THOMAS HALL**, Romsey Extra, Southampton, common brewer, Dec. 2 at half-past 1, and Dec. 30 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Park & Nelson, 11, Essex-st., Strand.—Fiat dated Nov. 16.

**FRANCIS PERRY** the younger, Austin-friars, London, merchant, Nov. 26 at half-past 11, and Dec. 31 at 1, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Wilkinson & Co., Nicholas-lane.—Fiat dated Nov. 12.

**THOMAS SANDERSON**, Leeds, Yorkshire, corn factor, dealer and chapman, Nov. 30 and Dec. 21 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Barr & Co., Leeds; Fidley, Paper-buildings, Inner-temple, London.—Fiat dated Nov. 2.

**JOHN ANDERTON**, Bradford, Yorkshire, stock and share broker, Dec. 3 and 23 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sols. Bond, Leeds; Williamson & Co., Gray's-inn, London.—Fiat dated Nov. 9.

**JOHN BOWKER DUNKERLEY**, Chorlton-upon-Medlock, Manchester, draper, dealer and chapman, Dec. 4 and 22 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Taylor, Manchester; Johnson & Co., Temple, London.—Fiat dated Nov. 16.

**CHARLES THOMAS**, Lliviore, Montgomeryshire, grocer, dealer and chapman, Dec. 8 at 11, and Dec. 22 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Jones, Newtown; Gregory & Co., Bedford-row, London.—Fiat dated Nov. 16.

**MARY LEWIS WAIT**, Clifton, Bristol, lodging and boarding-house keeper, Dec. 4 and 31 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sol. Crosbie, Bristol.—Fiat dated Nov. 16.

**WILLIAM OSTLER**, Sleaford, Lincolnshire, grocer, Dec. 11 and Jan. 8 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Flewker, Derby; Motteram & Knowles, Birmingham.—Fiat dated Nov. 14.

**RICHARD LEA**, Bewdley, Worcestershire, surgeon, chemist and druggist, Dec. 5 and 24 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Hair, Kidderminster; Mottram & Knowles, Birmingham.—Fiat dated Nov. 16.

**GEORGE ATKINSON**, Bradford, Yorkshire, joiner and carpenter, Dec. 9 and 22 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Terry & Watson, Bradford; Bond, Leeds; Clarke, Chancery-lane, London.—Fiat dated Nov. 16.

**WILLIAM CARPENDALE**, Kingston-upon-Hull, jeweller and dealer in fancy articles, Dec. 2 and 23 at 10, District Court of Bankruptcy, Kingston-upon-Hull: Off. Ass. Kynaston; Sols. Thorney, Hull; Shaw & Co., Ely-place, London.—Fiat dated Nov. 13.

#### METTINGS.

**William Aldred**, George-street, New Kent-road, Surrey, builder, Dec. 7 at 1, Court of Bankruptcy, London, last ex.—**Edward Williams**, Northop, Flintshire, draper, Dec. 8 at 12, District Court of Bankruptcy, Liverpool, last ex.—**J. Hignett**, Manchester, sack manufacturer, Dec. 2 at 11, District Court of Bankruptcy, Manchester, last ex.—**Fred. Brains**, Thomas-street, Stamford-street, Blackfriars, Surrey, ivory turner, Dec. 16 at half-past 12, Court of Bankruptcy, London, and ac.—**Wm. Norris**, Cambridge-villas, Great College-street, Camden New-town, Middlesex, builder, Dec. 18 at 11, Court of Bankruptcy, London, and ac.—**John W. Falehaw**, Farrington, Berkshire, grocer, Dec. 11 at half-past 11, Court of Bankruptcy, London, and ac.—**John Stonehouse**, Scarborough, Yorkshire, mercer, Dec. 11 at 11, District Court of Bankruptcy, Leeds, and ac.; Dec. 12 at 11, fin. div.—**Thomas Morris**, Newcastle Emlin, Carmarthenshire, linen-draper, Dec. 14 at 12, District Court of Bankruptcy, Bristol, and ac.—**Christopher Davis**, Chestow, Monmouthshire, currier, Dec. 11 at 11, District Court of Bankruptcy, Bristol, and ac.—**Richard Edwards**, Huddersfield, Yorkshire, woollen draper, Dec. 15 at 11, District Court of Bankruptcy, Leeds, and ac.; Dec. 17 at 11, div.—**Wm. Boardman**, Ashton-under-Lyne, Lancashire, plumber, Dec. 23 at 12, District Court of Bankruptcy, Manchester, and ac.—**Wm. S. More**, Liverpool, wine merchant, Dec. 11 at 11, District Court of Bankruptcy, Liverpool, and ac.; Dec. 15 at 11, div.—**Thos. M. Whiteley**, Liverpool, hatter, Dec. 11 at 11, District Court of Bankruptcy, Liverpool, and ac.—**James Richardson**, Liverpool, merchant, Dec. 11 at 12, District Court of Bankruptcy, Liverpool, and ac.; Dec. 15 at 12, div.—**Robert Kilpatrick** and **James Smith**, Liverpool, rope manufacturers, Dec. 11 at 11, District Court of Bankruptcy, Liverpool, and ac.—**Prescot Corless**, Wigan, Lancashire, tea dealer, Dec. 11 at 11, District Court of Bankruptcy, Liverpool, and ac.—**Richard Foster Breed** and **Wm. Eccleston**, Liverpool, merchants, Dec. 11 at 11, District Court of Bankruptcy, Liverpool, and ac.; Dec. 15 at 11, div.—**John Breakenridge**, Liverpool, tailor, Dec. 14 at 12, District Court of Bankruptcy, Liverpool, and ac.—**Thos. Oulton**, Liverpool, cart owner, Dec. 14 at half-past 12, District Court of Bankruptcy, Liverpool, and ac.—**Robt. Lee Dawson** and **Patrick Vance**, Liverpool, merchants, Dec. 14 at half-past 11, District Court of Bankruptcy, Liverpool, and ac.—**Thomas Hampson**, Liverpool, broker, Dec. 14 at 12, District Court of Bankruptcy, Liverpool, and ac.—**Jas. M. Nelson**, Liverpool, general broker, Dec. 14 at half-past 11, District Court of Bankruptcy, Liverpool, and ac.—**Wm. W. Bulley**, Liverpool, merchant, Dec. 14 at half-past 11, District Court of Bankruptcy, Liverpool, and ac.—**G. Atkins**, Liverpool, brewer, Dec. 14 at half-past 11, District Court of Bankruptcy, Liverpool, and ac.—**Saml. Mead** and **W. Mead**, Liverpool, iron merchants, Dec. 14 at 11, District Court of Bankruptcy, Liverpool, and ac.—**Wm. Darndrough**, Richmond, Surrey, tailor, Dec. 11 at half-past 12, Court of Bankruptcy, London, div.—**Wm. Smith**, Curtain-road, Worship-street, Middlesex, timber merchant, Dec. 11 at 12, Court of Bankruptcy, London, div.—**Augustus Applegath**, Crayford, Kent, silk printer, Dec. 11 at 11, Court of Bankruptcy, London, div.—**Frederick Jones**, Canterbury, Kent, wine merchant, Dec. 9 at 11, Court of Bankruptcy, London, fin. div.—**Wm. Rogers**, Lewes, Sussex, draper, Dec. 9 at 11, Court of Bankruptcy, London, fin. div.—**Thomas Standen**, Maidstone, Kent, brewer, Dec. 9 at 12, Court of Bankruptcy, London, fin. div.—**John Philpot**, St. Swithin's-lane, London, victualler, Dec. 9 at 1, Court of Bankruptcy, London, fin. div.—**Eleanor Botham**, Speenhamland, Speen, Berkshire, inn-

holder, Dec. 9 at 12, Court of Bankruptcy, London, fin. div.—**Alexander Macdonald**, Leadenhall-street, London, merchant, Dec. 9 at half-past 11, Court of Bankruptcy, London, div.—**Alexander Heratio Simpson** and **Peter Hunter Irvin**, Blackfriars-road, Christchurch, Surrey, engineers, Dec. 9 at half-past 12, Court of Bankruptcy, London, div.—**Benj. Baldwin**, Liverpool and Manchester, and Old Jewry, London, warehouseman, Dec. 9 at half-past 1, Court of Bankruptcy, London, fin. div.—**Wm. Henry Pease**, **John Robt. Pease**, and **W. Henry Thompson**, Ingram-court, Fenchurch-street, and Lime-street, London, wine merchants, Dec. 10 at 11, Court of Bankruptcy, London, div.—**Henry Hutcheson**, Liverpool, merchant, Dec. 11 at 12, District Court of Bankruptcy, Liverpool, div.—**Benjamin Marshall**, Selbridge Abbey, Kildare, Ireland, woollen manufacturer, Dec. 11 at 12, District Court of Bankruptcy, Liverpool, div.

#### CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on the Day of Meeting.

**Henry Woodthorpe**, Aveley, Essex, grocer, Dec. 14 at 2, Court of Bankruptcy, London.—**Wm. Henry Pease** and **John Robt. Pease**, Ingram-court, Fenchurch-street, and Lime-st., London, wine merchants, Dec. 10 at 1, Court of Bankruptcy, London.—**James Walker** the younger, Wortley, Leeds, Yorkshire, woollen cloth manufacturer, Dec. 15 at 11, District Court of Bankruptcy, Leeds.—**Daniel White**, Baptist Mills, St. Philip and Jacob, Bristol, potter, Dec. 21 at 12, District Court of Bankruptcy, Bristol.—**J. Sellick Lyddon**, Birkenhead, Cheshire, chymist and druggist, Dec. 15 at 12, District Court of Bankruptcy, Liverpool.—**W. Beamer**, West Derby, Lancashire, joiner, Dec. 11 at 11, District Court of Bankruptcy, Liverpool.—**Samuel Page**, Nottingham, currier, Dec. 11 at 12, District Court of Bankruptcy, Birmingham.—**C. C. Clancey**, Chorlton-upon-Medlock, Lancashire, saddler, Dec. 14 at 11, District Court of Bankruptcy, Manchester.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Dec. 11.

**Wm. Gay**, Cheltenham, Gloucestershire, builder.—**Henry Elphick**, Wardour-street, St. James's, Westminster, Middlesex, licensed victualler.—**Jonathan Knights**, Great Melton and Thurgarton, Norfolk, cattle dealer.—**John Pace**, St. Michael's-alley, Cornhill, London, general merchant.—**John Douglas Herrick**, Colchester, Essex, grocer.—**Jesse Smith**, Wellington-street, Newington-caneway, Surrey, cheesemonger.—**R. More**, Norwich, coal merchant.—**Edmund Sybester**, Agar's-field, St. Pancras-road, Middlesex, contractor.—**R. Stafford Perrott**, Exeter, grocer.—**Robt. Pattinson**, Exeter, grocer.—**Joseph Carme** the elder, Truro, Cornwall, provision merchant.—**Philip Norris Page**, King's-road, Gray's-inn, Middlesex, builder.—**T. Wainwright**, Barnsley, Yorkshire, surgeon.

#### PARTNERSHIP DISSOLVED.

**Thomas James Malby** and **Alex. L. Grant**, Broad-street-buildings, London, attorneys and solicitors.

#### SCOTCH SEQUESTRATION.

**John Fender**, Glasgow, manufacturer.

#### INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

**Samuel Cowell**, Walcot-place, Lambeth, Surrey, comedian, Dec. 3 at 12, Court of Bankruptcy, London.—**Joseph Baker**, China-terrace, Kennington-road, St. Mary, Lambeth, Surrey, out of business, Dec. 3 at 11, Court of Bankruptcy, London.—**W. Smith** the elder, Lambourn Woodland, near Lambourn, Berkshire, out of business, Dec. 3 at 12, Court of Bankruptcy, London.—**Michael Jerdein**, Clement's-lane, Strand, Middlesex, out of business, Dec. 3 at 12, Court of Bankruptcy, London.—**W. Tomlin**, Chesterton, Cambridgeshire, gardener, Dec. 3 at half-past 12, Court of Bankruptcy, London.—**Wm. Benjamin Powell**, York-terrace, Battersea, Surrey, carpenter, Dec. 2 at 11, Court of Bankruptcy, London.—**Fred. Wilmhurst**, Robert-street, Commercial-road, Pimlico, Middlesex, blacksmith, Dec. 2 at 11, Court of Bankruptcy, London.—**W. Laver**, China-terrace, St. Mary, Lambeth, Surrey, general agent for the sale of works of the fine arts, Dec. 1 at 11, Court of Bankruptcy, London.—**Joseph Bennett**, Hackney-road, Middlesex, out of business, Dec. 1 at half-past 11, Court of Bankruptcy, London.—**J. Southan**, Stratford, Essex, green grocer, Nov. 24 at half-past 11, Court of Bankruptcy, Lon-

don.—*Christopher John Perkins*, North-place, Hampstead-road, Middlesex, comedian, Nov. 21 at 1, Court of Bankruptcy, London.—*Thos. Sam. Toller*, Queen's-row, Grove-lane, Camberwell, Surrey, clerk, Nov. 21 at 12, Court of Bankruptcy, London.—*Ann Mason*, Praed-street, Paddington, Middlesex, out of business, Nov. 21 at half-past 12, Court of Bankruptcy, London.—*J. Eames*, Cold Harbour-road, Brixton, Surrey, coffee-house keeper, Nov. 21 at half-past 11, Court of Bankruptcy, London.—*Richard Loring*, St. Chad's-row, King's-cross, Middlesex, wheelwright, Dec. 3 at 12, Court of Bankruptcy, London.—*Thos. Fletcher*, Earl-street, Lisson-grove, Middlesex, greengrocer, Dec. 3 at 11, Court of Bankruptcy, London.—*Isaac Peare*, Cambridge, tutor to the chorister boys of King's College, Cambridge, Dec. 3 at 11, Court of Bankruptcy, London.—*Robert Saw* the younger, Hammersmith, Middlesex, bookseller and fancy stationer, Dec. 3 at 11, Court of Bankruptcy, London.—*Joseph Packington*, Matthishall, Norfolk, schoolmaster, Dec. 8 at half-past 12, Court of Bankruptcy, London.—*Edward Timberlake*, Redbourn, Hertfordshire, wheelwright, Dec. 3 at 12, Court of Bankruptcy, London.—*Geo. Barton*, Houndsditch, London, hatter, Dec. 2 at 11, Court of Bankruptcy, London.—*Joe. W. Case*, Leacock, Wiltshire, out of business, Dec. 2 at 11, Court of Bankruptcy, London.—*Jas. Buckland*, Pentonville-cottages, St. Mary, Islington, Middlesex, warden in the New Model Prison, Pentonville, Dec. 2 at 11, Court of Bankruptcy, London.—*Wm. Mincher*, Bordesley, Birmingham, licensed victualler, Nov. 25 at 12, District Court of Bankruptcy, Birmingham.—*John Wilkinson*, Walsall, Staffordshire, buckle manufacturer, Nov. 26 at 11, District Court of Bankruptcy, Birmingham.—*John Morgan*, Blaenynwayn, Pembroyn, Cardiganshire, farmer, Dec. 10 at 11, District Court of Bankruptcy, Bristol.—*Chas. Biles*, Bristol, baker, Dec. 8 at 11, District Court of Bankruptcy, Bristol.—*Geo. T. Husband*, Pembroke-dock, Pembrokeshire, water bailiff, Dec. 8 at 11, District Court of Bankruptcy, Bristol.—*Wm. Hameyer*, Bradford, Yorkshire, wool sorter, Dec. 9 at 11, District Court of Bankruptcy, Leeds.—*C. Hardacre* the elder, Keighley, Yorkshire, cordwainer, Dec. 9 at 11, District Court of Bankruptcy, Leeds.—*Thomas Lucas*, Malton, Yorkshire, pipe maker, Dec. 1 at 11, District Court of Bankruptcy, Leeds.—*Joseph Benson*, King's Staith, Yorkshire, publican, Dec. 2 at 11, District Court of Bankruptcy, Leeds.—*Francis Dew*, South Croeland, Almondsbury, Yorkshire, shopkeeper, Dec. 2 at 11, District Court of Bankruptcy, Leeds.—*Geo. Jewitt*, Wakefield, Yorkshire, tailor, Dec. 1 at 11, District Court of Bankruptcy, Leeds.—*Isaac Macell*, Gomersal, near Leeds, Yorkshire, cordwainer, Dec. 1 at 11, District Court of Bankruptcy, Leeds.—*Thos. Bullock*, Newbridge-hill, Weston, Somersetshire, gardener, Dec. 3 at 11, District Court of Bankruptcy, Bristol.—*Giles Hawkins*, Yeovil, Somersetshire, relieving officer, Dec. 3 at 1, District Court of Bankruptcy, Exeter.—*Christ. Nerney*, Manchester, gas maker, Dec. 1 at 1, District Court of Bankruptcy, Manchester.—*James Turner*, Handford, Trencham, Staffordshire, miller, Nov. 28 at 12, District Court of Bankruptcy, Birmingham.—*D. Bordesley*, Newport, Monmouthshire, beer retailer, Dec. 15 at 11, District Court of Bankruptcy, Bristol.

Wednesday, Nov. 18.

Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—

(On their own Petitions).

*Thos. Lovelock*, Vale-place, Hammersmith-road, Fulham, Middlesex, fly master: in the Debtors Prison for London and Middlesex.—*Jas. Stanley*, Nottingham-pl., Whitechapel, Middlesex, bricklayer: in the Debtors Prison for London and Middlesex.—*Geo. H. Davies*, Bury-st., Chelsea, Middlesex, out of employ: in the Debtors Prison for London and Middlesex.—*James Geo. Hancock*, St. Stephen's-terrace, Wharf-road, Pentonville, Middlesex, coal dealer: in the Debtors Prison for London and Middlesex.—*Joe. Goulding*, Charles-street, City-road, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*S. Standfast*, Hackneywick, Hackney, Middlesex, rope manufacturer: in the Debtors Prison for London and Middlesex.—*Edw. Jupp*, Great Castle-street, Regent-st., Middlesex, tailor: in the Debtors Prison for London and Middlesex.—*Alex. Milner*, Sheffield, Yorkshire, clerk to a fender manufacturer: in York Castle.—*Wm. Briggs*, Kingthorpe, near Northampton, butcher: in the Gaol of Northampton.

The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Friday, Dec. 4, at 9.

*Ralph Wakefield*, Church-st., Rotherhithe, Surrey, millwright.

Adjourned.

*John Wyld*, Charles-court, Strand, Middlesex, out of business.

Dec. 7, at the same hour and place.

*J. Thompson*, Cheapside, decorative paper hanger.—*Wm. Insull Burman*, Coburg-place, Old Kent-road, Surrey, in no business.—*J. K. F. H. Rossmore*, Hamburg, Germany, general merchant.—*Eusebe David*, Hadley, Barnet, Middlesex, teacher of languages.—*Wm. Burchell*, Old Brentford, Middlesex, carman.

Court-house, TAUNTON, Somersetshire, Dec. 4 at 10.

*Thos. Rake*, Bristol, confectioner.—*W. Sully* the younger, Bridgewater, builder.—*Solomon Price*, Bath, livery-stable keeper.

Court-house, AYLESBURY, Buckinghamshire, Dec. 4 at 10.

*Rich. Hounslow*, Wing, carrier.—*Thos. Poynter*, Newport Pagnel, shoemaker.

INSOLVENT DEBTOR'S MEETING.

*Thomas Squire*, High-st., Southwark, Surrey, not in any business, Dec. 10 at 12, Dimmock & Barbey's, Clement's-lane, Lombard-st., London, sp. aff.

MASTERS IN CHANCERY.—The Lord Chancellor has appointed the following gentlemen Masters Extraordinary in the high Court of Chancery:—*Edward Francis Slack*, Chippenham, Wiltshire; *Henry Stiles*, North-leach, Gloucestershire.

Days and places appointed for holding the Special Commissions of Oyer and Terminer and Gaol Delivery for the county and city of York:—

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City of York, on the same day, at the Guildhall of the city of York.

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# The Jurist

No. 516—VOL. X.

NOVEMBER 28, 1846.

PRICE 1s.

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LONDON, NOVEMBER 28, 1846.

THE late Mr. John William Smith, in his *Selection of Leading Cases*,—a book justly prized by the Profession,—has given a place to *Cumber v. Wane*. In that case, reported 1 Strange, 425, the defendant had pleaded, to a declaration in indebitatus assumpsit for 15*l.*, that he gave the plaintiff a promissory note for 5*l.* in satisfaction, and that the plaintiff received it in satisfaction; and it being objected, on error, that the plea was ill, it appearing that the note for 5*l.* could not be a satisfaction for 15*l.*, and that where one contract is to be pleaded in satisfaction of another, it ought to be a contract of a higher nature; the court, on consideration, so held: Pratt, L. C. J., by whom the judgment was delivered, saying, "As the plaintiff had a good cause of action, it can only be extinguished by a satisfaction he agrees to accept; and it is not his agreement alone that is sufficient; but it must appear to the court to be a reasonable satisfaction, or, at least, the contrary must not appear, as it does in this case. If 5*l.* be, as is admitted, no satisfaction for 15*l.*, why is a simple contract to pay 5*l.* a satisfaction for another simple contract of three times the value?" In his note to this case, the lamented editor observes, that the main point in it, that above stated, has frequently been affirmed since; and he refers to *Fitch v. Sutton*, (5 East, 230), where Lord Ellenborough said of it, "It was expressly determined in *Cumber v. Wane*, that acceptance of a security for a lesser sum cannot be pleaded in satisfaction of a similar security for a greater. And, though that case was said by me, in argument in *Heathcote v. Crookshanks*, (2 T. R. 24), to have been denied to be law, and, in confirmation of that, Mr. Justice Buller afterwards referred to a case, stated to be that of *Hardcastle v. Howard*, (H., 26 G. 3), yet I cannot find any case of that sort, and none has been now referred to: on the

contrary, the authority of *Cumber v. Wane* is directly supported by *Pinnel's case*, (5 Rep. 117), which never appears to have been questioned." Other cases are also quoted in the same note, in which the doctrine has been affirmed. It has also been recognised as law in the various cases by which exceptions have been engrafted upon it:—for instance, *Longridge v. Dorville*, (5 B. & A. 117); *Walters v. Smith*, (2 B. & Ad. 889); and *Wilkinson v. Byers*, (1 Adol. & Ell. 106), as to the distinction between a liquidated debt and an unliquidated demand of pecuniary damages, in which latter case the acceptance of a smaller sum may be a satisfaction; and the class of cases as to composition with creditors, which were once supposed to fall within the doctrine laid down in it. The authority of *Cumber v. Wane* having been thus repeatedly recognised, and the case having been made the foundation of other doctrines, probably none but a court constituted as the present Court of Exchequer would have ventured to question it. It has, however, furnished another proof of the truth with which the judges of that court have been characterized by a late writer\*. In the case of *Sibree v. Tripp*, (15 Mee. & W. 23), they have intimated that they do not consider *Cumber v. Wane* to be

\* "The English Court of Exchequer, for example, has been for many years mostly guided by two or three judges of extraordinary mental vigour, acuteness, and learning. The moment a point is stated, it is turned, and twisted, and placed in all possible lights; the moment an authority is quoted, it is criticised, analysed, and compared; there is little or no respect for names or persons; and it is useless to shew that Lord Kenyon or Lord Ellenborough said or thought so and so, unless it can also be shewn that Lord Kenyon or Lord Ellenborough said or thought right. The judges in question have certainly done good service in purifying our jurisprudence from a great quantity of dross, but they have sadly scandalised the old school, and made it very difficult for any but a man of the *own* class of mind (and such men are rare) to predicate a judgment; in other words, to give a confident opinion to a client."—*Edinburgh Review*, Oct. 1846, p. 398.

law or a binding authority upon them. One of the questions which arose in this case was, whether a plea which averred the making and delivery by the defendant to the plaintiff of three negotiable promissory notes for 125*l.*, 125*l.*, and 50*l.*, and the plaintiff's acceptance of the same in satisfaction, and discharge of two debts of 500*l.* and 500*l.*, and damages and costs, was good. "If," said one of the judges, "the case of *Cumber v. Wane* were law, and a binding authority upon us, undoubtedly we could not come to a conclusion in favour of the defendant. That case was one of assumption for 15*l.*, to which the defendant pleaded that he gave the plaintiff a promissory note for 5*l.* in satisfaction, and that the plaintiff received it in satisfaction; and it was held on writ of error after judgment for the plaintiff, that the plea was ill. It does not appear from the report whether the note was payable presently, or whether it was negotiable or not. The facts are not sufficiently stated to make it a binding authority." And quoting the judgment delivered by Pratt, C.J., he proceeds—"From the latter part of the judgment I must, with every respect for the great authority of that learned judge, express my dissent. Undoubtedly, at that time it was not law; for in *Pratt's case*, (5 Rep. 117), it was laid down as clear matter of law, that in the case of a bond for 500*l.*, due on the 1st of January, if the obligee accepted 100*l.* in satisfaction the day before, he was at liberty to do so; and the court never inquired whether the satisfaction was reasonable: they left it to the agreement of the parties. However, it does not appear, in the case of *Cumber v. Wane*, that the promissory note was negotiable, and, therefore, that the plaintiff had any benefit from it. The marginal note of that case—"Giving a note for 5*l.* cannot be pleaded as a satisfaction for 15*l.*,"—was expressly denied to be law by Lord Ellenborough in argument, in the case of *Heathcote v. Crookshanks*; and Buller, J., referred to a case of *Hardcastle v. Howard*, in which it had been so denied to be law. But, whether the case of *Cumber v. Wane* has been overruled or not, it appears to me that it cannot be sustained as an authority that the acceptance of a negotiable security may not be a satisfaction of a claim to a larger amount." It is important to observe, that the decision in this case appears to be founded upon the promissory note being in the nature of a chattel. The giving the promissory note is said to be a satisfaction, by giving a different thing, not part of the sum itself, having different properties. It is of uncertain value,—it may be of equal, but that the court cannot enter into: it is sufficient that the parties have so agreed. And, therefore, it must not be supposed that the principle upon which the rule in *Cumber v. Wane* is professedly based, namely, that 5*l.* would be no satisfaction for 15*l.*, and would so appear to the court, is denied by the Court of Exchequer. On the contrary, there are passages in the judgment of that court, from which it appears that it was anxious to guard against such an inference. For instance, one of the judges says, "It is undoubtedly true, that payment of a portion of a liquidated demand in the same manner as the whole liquidated demand ought to be paid, is payment only in part, because it is not one bargain, but two; namely, payment in part, and an agreement without consideration to give up the residue.

The courts might very well have held the contrary, and have left the matter to the agreement of the parties; but undoubtedly the law is so settled. The fallacy (in *Cumber v. Wane*) appears to have been in looking upon the promissory note as creating merely a simple contract of the same nature as the simple contract created by the debt, and not adverting to the fact, that the former, though in the eye of the law but a simple contract, nevertheless possessed in its negotiability a property which might well make it a reasonable satisfaction for a larger sum. Therein lies the distinction between it and the giving a sum of money, though it must be confessed that it is a very fine one.

#### DISPOSITION OF A MARRIED WOMAN'S REVERSIONARY INTERESTS IN PERSONALTY.

(From a Correspondent).

The least exceptionable part of the policy of courts of equity, with respect to married women's property, is certainly the rule by which their reversionary interests are protected. Their separate property in possession, whether made inalienable or not, too often procures for their husbands a credit which the event does not justify; but reversionary property, protected from alienation, can give no false appearance of responsibility, and is precisely that kind of interest which may be most appropriately and beneficially removed from the dominion of the owner and her husband. So long, then, as the preservation of a married woman's reversionary property is recognised as a fit object of equitable jurisdiction, there can be no reason for encouraging any relaxation of that protection, under particular circumstances, upon merely technical reasoning. In the recent case of *Hall v. Hugenin*, (reported and commented upon in the last Number of THE JURIST), the Vice-Chancellor of England has confirmed some authorities of no great weight, and has virtually repudiated the duty which the Court of Chancery had been supposed to have taken upon itself with regard to the reversionary interests of married women; and he has based his decision upon reasoning, which, with deference we submit, not only proceeds upon technical distinctions wholly foreign to the spirit of the doctrine, but is, in itself, technically unsound: The kindred branch of equity doctrine relating to separate estate remained long in as unsatisfactory a state as that which the case of *Hall v. Hugenin* has renewed the rule before us; and a decision overruling that case would not be made in the face of a more formidable array of authority than that which was demolished in *Tillett v. Armstrong*. We shall therefore presume to treat the question as still open, in the hope that it will be further agitated, and finally settled upon satisfactory grounds, both of reasoning and of policy.

It would fatigue the patience of our readers to enter again into an examination of the authorities on this subject. (See 9 Jur. 514; 10 Id. 183, 231, 243). The general rule is well known, and there is now at least no doubt as to the existence of authority for the supposed exception to it. What is the general rule? That the court will not direct, or even permit or recognise, any disposition of the reversionary interest of a married woman in personality while it remains reversionary. We add the words in Italics because they are relied on as countenancing the principle of *Hall v. Hugenin*. The rule is thus laid down by the Master of the Rolls in *Burden v. Jackson*, (1 Russ. 1): "The wife's right is not divested by the marriage: the chose in action continues to belong to her unless the husband can and does reduce it into possession, and thereby makes it cease to be a chose in action. The husband has not, on the marriage, any immediate property in

the chose in action; he has only the right to reduce it into possession, if it be in a state capable of being so reduced. *Reduction into possession is a necessary and indispensable preliminary to the husband's having any right of property in himself, or to his being able to convey any right of property to another.*" (1 Russ. 66).

"The current of authorities showing that the court will not receive the wife's consent to part with her reversionary property, bears strongly on the question. If the assignment of the husband passes the interest to the assignee, and destroys her legal right by survivorship, all that could remain to her would be an equity to have a settlement; and there can be no reason why she should not be permitted to extinguish, by her consent, that equity, as completely as if it were an equity attaching upon property in possession. *The court, however, will not take her consent while the fund remains in reversion; and the reason which it has assigned for this refusal is, that it will not prejudice the future right which the wife may have by survivorship.*" (1 Russ. 28).

The judgment in *Purdeu v. Jackson* has always been considered to have settled the law on this subject upon its true grounds. It appears, then, that the protection of the reversionary choses in action of a married woman from the acts of her husband and herself, is merely a consequence of the general rule, both of law and of equity, that her choses in action remain in her until they are reduced into possession by her husband. A legal chose in action is reducible into possession when it may be recovered in an action; an equitable chose in action is reducible into possession when the trustee is bound to pay it. The husband may recover his wife's legal choses in action as soon as it is due, without her concurrence. He may recover her equitable choses in action, when it is due, without her concurrence, but subject to her right to insist on having a settlement out of it. If he can arrange with the trustee out of court, the wife, in order to enforce her right to a settlement, must move; if he is obliged to go to the court, the court will not interfere until the wife's settlement is provided for, or waived by her consent in court. This is the only case in which the wife's consent in court is taken, or can have any operation: the specific and only object of that ceremony is to waive her right to a settlement. A married woman can, by an appropriate assurance, deal with her interests in real property; she can deal with her separate property as if she were unmarried; she can waive her equity to a settlement out of her equitable choses in action; she can exercise a power expressly given to her; these are the only cases in which a married woman has any power to do, or consent to, any act affecting her property. Accordingly, in *Purdeu v. Jackson*, *Honner v. Morton*, (3 Russ. 65), and the other cases where the husband and wife joined in attempting to assign her reversionary choses in action, the court took no notice of the wife's part in the transaction, but treated it as the act of the husband alone.

So far there is no dispute as to the law. Let us see how it applies to the case of *Hall v. Hugonin*. These trustees were directed to pay the dividends of a sum of stock to M. G. Edgar and his assigns during his life, and after his decease to transfer one moiety of the fund to Mrs. Hall. M. G. Edgar having assigned his life interest to Mrs. Hall, the court held that the entire interest in the trust-fund became immediately reducible into possession by Mr. Hall, subject to his wife's equity to a settlement, which she waived in court. "It is not," said the Vice-Chancellor, "a question of merger, but whether a married woman has not, at the time of petitioning, both interests, as representing the life interest of some one else, and also her own interest in reversion."

If the entire interest was reducible into possession,

the rest followed of course. But was the entire interest, even the life interest assigned by M. G. Edgar, reducible into possession? In the first place, merger is, as the Vice-Chancellor admits, out of the question. Merger is a technical consequence of certain legal incidents of tenure, and is wholly inapplicable to choses in action, or even to equitable interests in land. If land is limited at law to A. for life, remainder to B. for life, and A. conveys his life estate to B., his executors, administrators, and assigns, the estate so conveyed is merged, and B.'s executors or assigns have no title after his death, though A. be living. But if an equitable interest in land or in personal property be so limited and dealt with, there is no merger, and no destruction of the first life interest. There is no such thing as the merger of one equitable interest in another. If trustees are directed to apply the income of a fund for the maintenance of A. until he attains the age of twenty-five, and on his attaining that age, and not before, to transfer the fund to him; A., as soon as he is of age, can compel a transfer of the fund. Why? Not because such a transfer would be in accordance with the terms of the trust, but because the trust gives him a vested interest in the fund and in its produce; and an adult man cannot be restrained from dealing as he likes with his vested interests. He obtains the fund at twenty-one, because he is then under no disability, and in defiance of the special terms of the trust. If a trustee is directed to pay the dividends of a fund to A. for life, and after his death to transfer the fund to B., and A. assigns his interest to B., the trustee may go on paying the dividends to B., or, at B.'s request, he may transfer the fund to him; but in the latter case he will not be obeying the terms of his trust, but he will be obeying the direction of a person on whom the trust and subsequent events have conferred the right of dominion over every part of the property. Where the cestui que trust is a married woman, the case is entirely different; the trustee must literally perform the terms of the trust, because the cestui que trust is incapable of authorizing him to deviate from those terms in the minutest particular. If the trust were, to pay the dividends to Mrs. H. until she should attain the age of twenty-five, and then to transfer the fund to her, could it be contended that the court would allow the fund to be transferred before she attained that age? Would it not be tantamount to a restriction on alienation until twenty-five? Yet the whole interest would be in her. Would not the case be the same if the direction were to pay the dividends to the wife until the death of A., and then to transfer them to her? Would it not be even stronger if the trust were to pay the dividends to her during her husband's life, and after his death to transfer the fund to her? Again, if the dividends were given to the husband himself for life, and the fund to the wife after his death, would the husband's appointment to a trustee for his wife of that which would be his after the appointment quite as much as it was before, be allowed to affect her reversion, or the duty of the trustees? Can it make any difference, that the life interest is given to a stranger, who afterwards assigns it to the wife? Would not, in each of these cases, the trustee be justified in following the terms of the trust—paying the dividends only until the arrival of the time appointed for transferring the fund? Can there be an option in the trustee to choose between two courses so materially different in their consequences to his cestui que trust? If not, can the husband have such an option? That the wife can interfere is not pretended. When a trustee is directed to transfer a fund to a particular person at a certain period, the authority of that person alone can justify the transfer at a different period; and here she is not in a capacity to give any such authority.

If it is said, that, in the case of a prior life interest,

the transfer of the fund is postponed merely for the sake of securing such life interest, and that the moment that obstacle is removed the fund may be transferred, how are those cases answered in which the tenant for life has removed the difficulty by concurring in the application, and yet the court has refused to sanction the transfer,—cases which the Vice-Chancellor expressly recognises: as in *Seeman v. Duill and Richards v. Chambers*, (10 Ves. 580), and *Fraser v. Baillie*, (1 Bro. C. C. 518), where the life interest was originally limited to the husband, and the application was for a transfer to him; and in *Pickard v. Roberts*, (3 Madd. 384), where the husband acquired the life interest by assignment, and applied for a transfer to himself; and *Boz v. Boz*, (2 Con. & Laws. 606; 1 Drury, 42), where the tenant for life was a stranger, and the application was for a transfer to him. In none of these cases was there any obstacle to the immediate transfer of the fund, save only the fact, that the time appointed for such transfer by the trust had not arrived.

Even if there were no force in the above observations, we are at a loss to see how the objection can be answered, that the wife is at liberty when she becomes discoverer to disavow the whole transaction, and disclaim the insidious gift which was made to her. Her consent in court, it is admitted, cannot bind her, except to waive that equity which is the creature of the court—her equity to a settlement.

There is another way of putting the objection to the decision in *Hall v. Hugonin*, which we conceive to be unanswerable. It is settled, that when a life interest in a chose in action not merely commensurate with the coverture belongs to a married woman, the husband has no power to dispose of it beyond the coverture. Being a mere periodical payment, it is not reducible into possession at all by anticipation; the husband, being under no disability, may dispose of it by anticipation to the extent of his interest, (i. e. during the coverture), but not beyond. (*Fraser v. Baillie*, 1 Bro. C. C. 518; *Stiffe v. Ezeritt*, 1 My. & C. 41; *Lee v. Young*, 2 You. & C. C. 535\*. See *Whitmarsh v. Robertson*, 1 You. & C. C. 715; *Boz v. Boz*, 1 Drury, 66; *Scarborough v. Borman*, 4 My. & C. 383). It is, indeed, self-evident, that a life interest, standing alone, cannot be reduced into possession. Even a life interest confined to the period of the coverture is not reducible into possession. The husband may assign it, or release it, or, by purchasing the reversion, entitle himself to a present transfer of the fund; but it is out of his power to reduce the life interest, *per se*, into possession.

Now, in *Hall v. Hugonin*, Mrs. Hall having become entitled to M. G. Edgar's life interest, which, it is admitted, did not merge, it was necessary that the trustees should retain the fund in order to preserve her contingent interest in the dividends during the remainder of the life of M. G. Edgar, in case Mr. Hall should die first; and if there was a necessity for keeping the fund in the hands of the trustees, it was not then reducible into possession. But, it is said, the life interest was united to the reversion. Surely, not united more intimately than the two parts of the life interest, which we have seen the courts have recognised as separable, were united.

On the whole, it is submitted that the decision in *Hall v. Hugonin* cannot be sustained without entirely overturning the settled rules of the court with respect to a married woman's choses in action.

If *Hall v. Hugonin* is sustainable, the reversionary equitable choses of married women may be got at with-

out the interference of the court. For, the principle of that case is, that an assignment of the prior interest or interests to the feme renders the fund immediately transferable, and the trustees are not bound to regard the wife's equity, but may transfer to the husband, if she does not apply to the court to stop them. G. S.

## COURT OF QUEEN'S BENCH.

*Nov. 25.*—Lord Denman, C. J., with reference to the sittings in banc after term, said: The court will, on Monday the 30th, take the case in the Crown Paper which has been partly heard; and then go into the New Trial Paper, taking first the case of *Bainbridge v. Bourne*, which has been partly heard. On the other days, the court will proceed with the Special Paper, and on one of them will take the case of *Reg. v. Arnold*.

## COURT OF EXCHEQUER.

MICHAELMAS TERM.—10 VICTORIA.—*Nov. 25.*

This Court will, at the Sittings already appointed to be held on Saturday, the 12th day of December next, proceed to give Judgment in all motions now standing for Judgment, and also in all causes now standing for Judgment in the New Trial Paper.

BY THE COURT.

Read in open Court.—E. BENNETT.

## GRAY'S INN.

*At a Pension held the 24th day of November, 1846,*

The Masters of the Bench of Gray's Inn have resolved to establish a Lectureship of Real Property and Conveyancing Devises and Bequests; and have ordered, that the sum of 300*l.* per annum, for three years, be paid by the Society, by way of endowment, to such person as the Bench shall elect to deliver the Lectures, to begin from the day of his appointment.

The Benchers therefore invite gentlemen desirous to accept the Office of Lecturer to send in testimonials of their competency and fitness, addressed to the Treasurer, at the Steward's Office, in South-square, Gray's Inn, on or before the last day of Hilary Term next. The Benchers are desirous, that, in addition to the Lectures, some further means should be adopted to secure the attention, and to ascertain the proficiency of the Students.

The discussion of some appointed subjects, in which the Students should be invited to join, subject to proper regulations,—opportunities afforded to Students of stating and of obtaining from the Lecturer the solution of difficulties,—and examinations in the subjects of the previous Lectures and discussions, suggest themselves as means by the judicious application of which the end in view may be attained.

The Benchers express, however, no opinion as to the best course to be adopted; but they suggest these matters to explain distinctly their object in establishing this Lectureship, and more particularly to induce each Candidate to send in such a plan of the course of instruction he proposes to adopt as may enable the Benchers to form a judgment of its probable efficiency.

THOMAS GRIFFITH, Steward.

MASTER IN CHANCERY.—The Lord Chancellor has appointed Christopher Carter Footitt, of Newark-upon-Trent, in the county of Nottingham, Gent., to be a Master Extraordinary in the high Court of Chancery.

\* "There is here an interest, neither represented nor capable of being represented, namely, the interest of Mrs. Lee, in the event of her surviving Mr. Lee, in the income of the fund during her life after his decease." Per Sir J. Knight Bruce, V. C., 2 You. & C. C. 535.

## GENTLEMEN CALLED TO THE BAR.

The following Gentlemen have been admitted to the degree of Barrister at Law:—

**LINCOLN'S INN, Nov. 19.**—Arthur Currey, Esq.; John L. Griffith P. Lewis, Esq.; John Walter, jun., Esq.; Robert Jones, Esq.; Charles Gifford, Esq.; George Druce, Esq.; Peter Robert Hammond, Esq. **Nov. 24.**—Robert Eyre Todd, Esq.; Francis Edward Guise, Esq., M.A.; George Chance, Esq., M.A.; Thomas Engleby Rogers, Esq., M.A.; Paul Augustine Kingdon, Esq., M.A.; Alfred Martineau, Esq., M.A.; Hon. George Denman, Esq., M.A.; Charles Turner Simpson, Esq., M.A.

**MIDDLE TEMPLE, Nov. 6.**—Dr. Augustus Frederic Bayford, LL.D.; James Cockle, Esq.; Arthur Becher Pollock, Esq.; John Hindmarsh, Esq.; George Brookes Van Buren, Esq.; John Duke Coleridge, Esq.; James Jones Aston, Esq.; Patrick Lenaghan, Esq.; Walter Mills, Esq.; Clement Milward, Esq.; Henry Leeming, Esq. **Nov. 20.**—James St. George Burke, Esq.; John Gordon, Esq.; Francis Hugh Daly, Esq.; Samuel Sharpe Horman Horman Fisher, Esq.; Robert John Pollock, Esq.; Jonathan Schweitzer Skelton, Esq.; John Warrington Rogers, Esq.; Joseph Jee, Esq.; Nathaniel Worner Bromley, Esq.; Aeneas John M'Intyre, Esq.; James Traill Christie, Esq.; David Cato Macrae, Esq.; Samuel Shepherd, Esq.; Thomas Weatherly Montague Marriott, Esq.; Henry Collinson, Esq.; James Glenie Price, Esq.; Nicholas Edward Hurst, Esq.

**INNER TEMPLE, Nov. 20.**—George Hibbert Deffell, Esq., M.A.; Burton Archerburton, Esq., B.A.; Edward Francis Halsall, Esq.; Augustus Frederick Mayo, Esq.; Richard Meredith Richards, Esq., M.A.; Tom Taylor, Esq., M.A.; John Best, Esq., B.A.; James William Fergusson, Esq., B.A.; John Coidcher Dent, Esq.; Samuel John Wilde, Esq.; Frederick Kingston, Esq.; Matthew Wm. Thompson, Esq., M.A.; Charles Cavendish Clifford, Esq.; Robert Anstruther Strange, Esq., M.A.; Samuel Lucas, Esq.; Alexander Kyd Curtis, Esq., M.A.; George Henry Money, Esq., M.A.; Stephen Cave, Esq., M.A.; Charles Griffith Smith, Esq., M.A.; Thomas Francis Cross, Esq., B.C.L.; John Charles Conybeare, Esq., M.A.

**GRAY'S INN, Nov. 18.**—Timms Augustine Sargood, Esq.; Robert Rouiere Pearce, Esq.

## Court Papers.

## EQUITY SITTINGS AFTER MICHAELMAS TERM, 10 VICT.

## Court of Chancery.

*Before the LORD CHANCELLOR, at Lincoln's Inn.*

Tuesday ....	Dec. 1	{ First Seal.—Appeal Motions and Appeals.
Wednesday .....	2	{ Appeals.
Thursday .....	3	{ Appeals.
Friday .....	4	{ (Petition-day).—Unopposed only and Appeals.
Saturday .....	5	{ Appeals.
Monday .....	7	{ Second Seal.—Appeal Motions and Appeals.
Tuesday .....	8	{ Appeals.
Wednesday ....	9	{ Appeals.
Thursday .....	10	{ (Petition-day).—Unopposed only and Appeals.
Friday .....	11	{ Appeals.
Saturday .....	12	{ Appeals.
Monday .....	14	{ Third Seal.—Appeal Motions and Appeals.

Tuesday .....	15	{ Appeals.
Wednesday .....	16	{ Appeals.
Thursday .....	17	{ Appeals.
Friday .....	18	{ (Petition-day).—Unopposed only and Appeals.
Saturday .....	19	{ Appeals.
Monday .....	21	{ Fourth Seal.—Appeal Motions and Appeals.
Tuesday .....	22	{ General Petition-day.

## Rolls Court.

*Before the Right Hon. the MASTER OF THE ROLLS, at the Rolls.*

Tuesday ....	Dec. 1	{ Motions.
<i>At the Judicial Committee.</i>		
Wednesday .....	2	{ Motions.
Thursday .....	3	{ Motions.
Friday .....	4	{ Motions.
Saturday .....	5	{ Motions.
<i>At the Rolls.</i>		
Monday .....	7	{ Motions.
<i>At the Judicial Committee.</i>		
Tuesday .....	8	{ Motions.
Wednesday ....	9	{ Motions.
Thursday .....	10	{ Motions.
Friday .....	11	{ Motions.

<i>At the Rolls.</i>		
Saturday .....	12	{ Pleas, Demurrers, Causes, Further Directions, and Exceptions.
Monday .....	14	{ Motions.

<i>At the Judicial Committee.</i>		
Tuesday .....	15	{ Motions.
Wednesday ....	16	{ Motions.

<i>At the Rolls.</i>		
Thursday .....	17	{ Pleas, Demurrers, Causes, Further Directions, and Exceptions.
Friday .....	18	{ Pleas, Demurrers, Causes, Further Directions, and Exceptions.
Saturday .....	19	{ Pleas, Demurrers, Causes, Further Directions, and Exceptions.
Monday .....	21	{ Motions.
Tuesday .....	22	{ Petitions—Unopposed first.
Wednesday ....	23	{ Remaining Motions and Petitions.

Short Causes, Consent Causes, and Consent Petitions on Saturday the 12th and Saturday the 19th December, at the sitting of the court.

*Notice.*—Consent Petitions must be presented, and copies left with the Secretary, on or before the Thursday preceding the Saturday on which it is intended they should be heard.

## Vice-Chancellors' Courts.

*Before the VICE-CHANCELLOR OF ENGLAND, at Lincoln's Inn.*

Tuesday ....	Dec. 1	{ First Seal.—Motions.
Wednesday ....	2	{ Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Thursday .....	3	{ (Petition-day).—Unopposed first, Short Causes, and Causes.
Friday .....	4	{ Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Saturday .....	5	{ Second Seal.—Motions.
Monday .....	7	{ Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Tuesday .....	8	{ (Petition-day).—Unopposed first, Short Causes, and Causes.
Wednesday ....	9	{ Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Thursday .....	10	{ Second Seal.—Motions.
Friday .....	11	{ Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Saturday .....	12	{ Third Seal.—Motions.
Monday .....	14	{ Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Tuesday .....	15	{ (Petition-day).—Unopposed first, Short Causes, and Causes.
Wednesday ....	16	{ Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Thursday .....	17	{ (Petition-day).—Unopposed first, Short Causes, and Causes.
Friday .....	18	{ Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Saturday .....	19	{ Fourth Seal.—Motions.
Monday .....	21	{ General Petition-day.
Tuesday .....	22	{ General Petition-day.

**Before VICE-CHANCELLOR KNIGHT BRUCE, at Lincoln's Inn.**

Tuesday	.... Dec. 1	First Seal.—Motions and Causes.
Wednesday	.... 2	Bankrupt Petitions and Causes.
Thursday	..... 3	{ Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Friday	..... 4	(Petition-day).—Petitions and Ditto.
Saturday	..... 5	Short Causes and Ditto.
Monday	..... 7	Second Seal.—Motions.
Tuesday	..... 8	{ Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Wednesday	..... 9	Bankrupt Petitions and Ditto.
Thursday	..... 10	{ Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Friday	..... 11	(Petition-day).—Petitions and Ditto.
Saturday	..... 12	Short Causes and Causes.
Monday	..... 14	Third Seal.—Motions.
Tuesday	..... 15	{ Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Wednesday	.... 16	Bankrupt Petitions and Ditto.
Thursday	..... 17	{ Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Friday	..... 18	(Petition-day).—Petitions and Ditto.
Saturday	..... 19	Short Causes and Causes.
Monday	..... 21	Fourth Seal.—Motions.
Tuesday	..... 22	(General Petition-day).—Petitions.
Wednesday	..... 23	Bankrupt Petitions.

**Before VICE-CHANCELLOR WIGRAM, at Lincoln's Inn.**

Tuesday	.... Dec. 1	First Seal.—Motions and Causes.
Wednesday	..... 2	{ Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Thursday	..... 3	{ Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Friday	..... 4	{ Cause Petitions, (unopposed first), Short Causes, and Causes.
Saturday	..... 5	Second Seal.—Motions and Causes.
Monday	..... 7	{ Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Tuesday	..... 8	{ Cause Petitions, (unopposed first), Short Causes, and Causes.
Wednesday	..... 9	Third Seal.—Motions and Causes.
Thursday	..... 10	{ Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Friday	..... 11	{ Cause Petitions, (unopposed first), Short Causes, and Causes.
Saturday	..... 12	Fourth Seal.—Motions and Causes.
Monday	..... 14	Petition-day.
Tuesday	..... 15	{ Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Wednesday	..... 16	{ Cause Petitions, (unopposed first), Short Causes, and Causes.
Thursday	..... 17	Fourth Seal.—Motions and Causes.
Friday	..... 18	Petition-day.
Saturday	..... 19	{ Cause Petitions, (unopposed first), Short Causes, and Causes.
Monday	..... 21	Fourth Seal.—Motions and Causes.
Tuesday	..... 22	Petition-day.

**CIRCUITS OF THE COMMISSIONERS FOR THE RELIEF OF INSOLVENT DEBTORS.****SPRING CIRCUITS, 1847.****MIDLAND CIRCUIT.****HENRY REVELL RAYNOLDS, Esq., Chief Commissioner.**

*Essex*, at Chelmsford, Tuesday, March 9.  
*Essex*, at Colchester, Wednesday, March 10.  
*Suffolk*, at Ipswich, Thursday, March 11.  
*Norfolk*, at Yarmouth, Saturday, March 13.  
*Norfolk*, at Castle of Norwich, (City and County), Monday, March 15.  
*Norfolk*, at Lynn, Wednesday, March 17.  
*Suffolk*, at Bury St. Edmund's, Thursday, March 18.  
*Cambridgeshire*, at Cambridge, Friday, March 19.  
*Huntingdonshire*, at Huntingdon, Monday, March 22.  
*Northamptonshire*, at Peterborough, Tuesday, March 23.  
*Rutlandshire*, at Oakham, Wednesday, March 24.  
*Lincolnshire*, at Lincoln, (City and County), Friday, March 26.  
*Nottinghamshire*, (Town and County), Monday, March 29.  
*Derbyshire*, at Derby, Wednesday, March 31.  
*Lichfield*, (City and County), Thursday, April 1.  
*Staffordshire*, at Stafford, Saturday, April 3.  
*Shropshire*, at Shrewsbury, Tuesday, April 6.

*Warwickshire*, at Birmingham, Thursday, April 8.  
*Warwickshire*, at Warwick, Friday, April 9.  
*Warwickshire*, at Coventry, Monday, April 12.  
*Leicestershire*, at Leicester, Tuesday, April 13.  
*Bedfordshire*, at Bedford, Thursday, April 15.  
*Northamptonshire*, at Northampton, Friday, April 16.  
*Buckinghamshire*, at Aylesbury, Monday, April 19.

**SOUTHERN CIRCUIT.****JOHN GREATHEAD HARRIS, Esq., Commissioner.**

*Berkshire*, at Reading, Friday, Feb. 12.  
*Oxfordshire*, at Oxford, (City and County), Monday, Feb. 22.  
*Worcestershire*, at Worcester, (City and County), Wednesday, Feb. 24.  
*Radnorshire*, at Presteigne, Friday, Feb. 26.  
*Herefordshire*, at Hereford, Monday, March 1.  
*Breconshire*, at Brecon, Wednesday, March 3.  
*Carmarthenshire*, at Carmarthen, (Borough and County), Friday, March 5.  
*Cardiganshire*, at Cardigan, Monday, March 8.  
*Pembrokeshire*, at Haverfordwest, (Town and County), Wednesday, March 10.  
*Glamorganshire*, at Swansea, Friday, March 12.  
*Glamorganshire*, at Cardiff, Monday, March 15.  
*Monmouthshire*, at Monmouth, Wednesday, March 17.  
*Gloucestershire*, at Gloucester, (City and County), Friday, March 19.  
*Somersetshire*, at Bath, Monday, March 22.  
*Bristol*, (City and County), Tuesday, March 23.  
*Somersetshire*, at Taunton, Thursday, March 25.  
*Devonshire*, at Plymouth, Saturday, March 27.  
*Cornwall*, at Bodmin, Tuesday, March 30.  
*Devonshire*, at Exeter Castle, (City and County), Thursday, April 1.  
*Dorsetshire*, at Dorchester, Tuesday, April 6.  
*Southampton*, (Town and County), Thursday, April 8.  
*Wiltshire*, at Salisbury, Friday, April 9.  
*Southampton*, at Winchester, Saturday, April 10.

**HOME CIRCUIT.****WILLIAM JOHN LAW, Esq., Commissioner.**

*Kent*, at Maidstone, Saturday, March 6.  
*Canterbury*, (City and County), Tuesday, March 9.  
*Kent*, at Dover, Wednesday, March 10.  
*Sussex*, at Lewes, Wednesday, March 24.  
*Hertfordshire*, at Hertford, Wednesday, March 31.

**NORTHERN CIRCUIT.****CHARLES PHILLIPS, Esq., Commissioner.**

*Yorkshire*, at Sheffield, Thursday, Feb. 11.  
*Yorkshire*, at Wakefield, Friday, Feb. 12.  
*Kingston-upon-Hull*, (Town and County), Thursday, Feb. 18.  
*Yorkshire*, at Castle of York, (City and County), Saturday, Feb. 20.  
*Yorkshire*, at Richmond, Tuesday, Feb. 23.  
*Durham*, at Durham, Wednesday, Feb. 24.  
*Northumberland*, at Newcastle-upon-Tyne, (Town and County), Friday, Feb. 26.  
*Cumberland*, at Carlisle, Monday, March 1.  
*Westmoreland*, at Appleby, Tuesday, March 2.  
*Westmoreland*, at Kendal, Friday, March 5.  
*Lancashire*, at Lancaster, Monday, March 8.  
*Lancashire*, at Liverpool, Tuesday, March 16.  
*Montgomeryshire*, at Welsh Pool, Friday, March 19.  
*Merionethshire*, at Dolgelly, Monday, March 22.  
*Anglesey*, at Beaumaris, Wednesday, March 24.  
*Carnarvonshire*, at Carnarvon, Friday, March 26.  
*Denbighshire*, at Ruthin, Monday, March 29.  
*Flintshire*, at Mold, Tuesday, March 30.  
*Cheshire*, at Castle of Chester, (City and County), Thursday, April 1.



## London Gazette.

TUESDAY, NOVEMBER 24.

## BANKRUPTS.

**HENRY NEWTON**, Northumberland-street, Strand, Middlesex, chymist and druggist, Dec. 2 and Jan. 5 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Cunningham, Buckingham-street, Strand.—Fiat dated Nov. 23.

**FRANCES CLARK**, George-street, Adelphi, Middlesex, jewel case maker, trader and dealer, Nov. 30 at 11, and Jan. 16 at 1, Court of Bankruptcy, London: Off. Ass. Follett; Sols. Willoughby & Co., Clifford's-lane.—Fiat dated Nov. 23.

**JOSEPH GASS**, Colchester, Essex, draper, dealer and chapman, Dec. 4 at 11, and Jan. 16 at 12, Court of Bankruptcy, London: Off. Ass. Follett; Sols. Jenkins & Co., 29, Lombard-street.—Fiat dated Nov. 3.

**SAMUEL GARROD**, Church-street, Hackney, Middlesex, surgeon and apothecary, Dec. 2 and Jan. 16 at 11, Court of Bankruptcy, London: Off. Ass. Green; Sol. Wilkins, Gracechurch-street.—Fiat dated Nov. 18.

**DAVID WORTHINGTON**, Silver-street, Stepney, Middlesex, out of business, Dec. 11 and Jan. 15 at 12, Court of Bankruptcy, London: Off. Ass. Groom; Sol. Smith, 6, Finsbury-terrace, City-road.—Fiat dated Nov. 19.

**JAMES SMITH**, Edmonton, Middlesex, brewer, Dec. 9 at half-past 11, and Jan. 16 at 11, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Burbidge, 88, Hatton-garden.—Fiat dated Nov. 18.

**JOHN GREEN**, Park-terrace, Maine-hill, Greenwich, Kent, lodging-house keeper, dealer and chapman, Dec. 6 at half-past 1, and Jan. 15 at half-past 11, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Sadgrove, Mark-lane.—Fiat dated Nov. 30.

**JOSEPH COLES**, Strand, Middlesex, tobacconist, dealer and chapman, Dec. 9 at half-past 2, and Jan. 12 at half-past 1, Court of Bankruptcy, London: Off. Ass. Groom; Sol. Lane, Palace-square, Abingdon-street.—Fiat dated Nov. 13.

**HENRY FLOWER**, North-buildings, Finsbury-circus, London, publisher, bookbinder, dealer and chapman, Dec. 3 at half-past 12, and Dec. 30 at 1, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Shaw, Furnival's-inn.—Fiat dated Nov. 23.

**WILLIAM CLAY and JAMES CLAY**, Sowden-bridge, Halifax, Yorkshire, woollen manufacturers, Dec. 7 and 28 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sols. Holroyd, Halifax; Courtenay, Leeds; Jacques & Co., Ely-place, London.—Fiat dated Nov. 17.

**JAMES MAY**, Redruth, Cornwall, stationer, printer, dealer and chapman, Dec. 8 and 28 at 11, District Court of Bankruptcy, Exeter: Off. Ass. Herniman; Sols. Coode & Co., St. Austle; Stogdon, Exeter.—Fiat dated Nov. 16.

**JAMES WALTON**, Leeds, Yorkshire, tailor and draper, dealer and chapman, Dec. 7 and Jan. 1 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Tempest, Leeds; Carras, Leeds; Williams & Co., Gray's-inn, London.—Fiat dated Nov. 20.

**RICHARD CRIPPS LHOYDS**, Liverpool, painter, plumber, and glazier, dealer and chapman, Dec. 3 and 31 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sols. Curry & Co., Liverpool; Vincent, King's-bench-walk, Temple, London.—Fiat dated Nov. 16.

**JAMES FORD**, Birmingham, hosier, dealer and chapman, Dec. 5 and Jan. 12 at half-past 10, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Hodgman, Birmingham; Sherwood, London.—Fiat dated Nov. 16.

**JOSEPH NICHOLLS**, Edgbaston, Warwickshire, stone mason, builder, dealer and chapman, Dec. 5 and Jan. 12 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sol. W. H. Reece, Birmingham.—Fiat dated Nov. 18.

**THOMAS LOWIS**, Newcastle-upon-Tyne, laceman and hosier, (trading under the firm of T. Lewis & Co.), Dec. 4 at 12, and Jan. 8 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Wakley; Sols. Griffith & Crighton, Newcastle-upon-Tyne; Reed & Langford, Friday-street, Chapside, London.—Fiat dated Nov. 18.

## Merchants.

**Neville Smith, Theo. L. Holt, and John Neale**, Fleet-st., London, printers, Dec. 4 at 1, Court of Bankruptcy, London, last ex.—**Hen. Charles**, Manchester, commission agent, Dec. 5 at 11, District Court of Bankruptcy, Manchester, last ex.—**Frederic Morley**, Peterborough, Northamptonshire, common brewer, Dec. 14 at 11, Court of Bankruptcy, London, and. ac.—**Stephen Uwins the elder, Fisher Uwins, and Stephen Uwins the younger**, Coggeshall, Essex, woodstaplers, Dec. 16 at 2, Court of Bankruptcy, London, and. ac.—**Th. Marsden the younger**, Northallerton, Yorkshire, mercer, Dec. 17 at 11, District Court of Bankruptcy, Leeds, and. ac.—**Jos. E. West and Hen. Tennant**, Leeds, Yorkshire, stockbrokers, Dec. 17 at 11, District Court of Bankruptcy, Leeds, and. ac.—**Robert Ostoby**, Wansford, and **William C. Ostoby**, Great Driffield, Yorkshire, millers, Dec. 16 at 10, Town-hall, Kingston-upon-Hell, and. ac.; Dec. 23 at 10, div.—**Jas. Beane**, Bristol, and **Weston-super-Mare**, Somersetshire, silk mercer, Dec. 28 at 12, District Court of Bankruptcy, Bristol, and. ac.; Dec. 29 at 11, div.—**P. Protheroe and M. D. Protheroe**, Bristol, merchants, Dec. 22 at 11, District Court of Bankruptcy, Bristol, and. ac.; Dec. 24 at 11, div. joint and sep. est.—**J. Coombe**, Waleat, Bath, currier, Dec. 15 at 11, District Court of Bankruptcy, Bristol, and. ac.—**Jas. Jay**, Redruth, Cornwall, baker, Dec. 16 at 11, District Court of Bankruptcy, Exeter, and. ac.; Dec. 17 at 11, div.—**Wm. Brown**, Atherstone, Warwickshire, ironmonger, Dec. 17 at 12, District Court of Bankruptcy, Birmingham, pr. d.—**Thos. Wright**, Edinburgh, and **Nich. Burgess and Ralph Taylor**, Tunstall, Staffordshire, earthenware manufacturers, Dec. 17 at 11, District Court of Bankruptcy, Birmingham, and. ac.—**Wm. Thomas**, Longton, Staffordshire, draper, Dec. 17 at 12, District Court of Bankruptcy, Birmingham, and. ac.—**John Acton**, St. Chad, Lichfield, farmer, Jan. 12 at 10, District Court of Bankruptcy, Birmingham, and. ac.—**Henry Deverill**, Stoke-upon-Trent, Staffordshire, and **Congleton**, Cheahire, corn factor, Dec. 16 at 10, District Court of Bankruptcy, Birmingham, and. ac.—**Wm. Boulton the younger**, and **Wm. F. Palmer**, Stafford, Staffordshire, builders, Jan. 12 at 10, District Court of Bankruptcy, Birmingham, and. ac.—**Jas. Ward**, Manchester, iron founder, Dec. 17 at 12, District Court of Bankruptcy, Manchester, and. ac.; Dec. 18 at 12, fin. div.—**Charles Harwar**, Serle's-place, Carey-street, Lincoln's-inn, Middlesex, paper merchant, Dec. 17 at 11, District Court of Bankruptcy, Manchester, and. ac.; Dec. 18 at 12, div.—**Geo. Edw. Schultz** and **Hen. W. Carr**, Liverpool, sharebrokers, Dec. 15 at 12, District Court of Bankruptcy, Liverpool, and. ac.; Dec. 18 at 12, div. of **H. W. Carr**.—**James M. Gardner**, Liverpool, wine merchant, Dec. 16 at 12, District Court of Bankruptcy, Liverpool, and. ac.—**Jos. Froste** and **Isaac Ashlin**, Liverpool, merchants, Dec. 16 at half-past 11, District Court of Bankruptcy, Liverpool, and. ac. joint est. and sep. est. of **Joseph Froste**.—**Hen. Cooke**, Liverpool, painter, Dec. 16 at 12, District Court of Bankruptcy, Liverpool, and. ac.—**Sam. Highfield**, Birkenhead, Cheshire, merchant, Dec. 16 at 12, District Court of Bankruptcy, Liverpool, and. ac.—**Robert Jones**, Liverpool, boot maker, Dec. 16 at 12, District Court of Bankruptcy, Liverpool, and. ac.—**Richard Allerton**, Bootle-cum-Linacre, Lancashire, wheelwright, Dec. 16 at 11, District Court of Bankruptcy, Liverpool, and. ac.—**John Casson**, Liverpool, corn merchant, Dec. 16 at half-past 11, District Court of Bankruptcy, Liverpool, and. ac.—**John Barff**, Liverpool, merchant, Dec. 16 at 11, District Court of Bankruptcy, Liverpool, and. ac.—**Rev. Roger Clough**, Bathampton-park, Ilkembrydd, **Rich. B. Clough**, Glanvaseu, Llandymog, **Dav. Mason**, Astradacha, Llanrhaidr Cunnuch, and **Rev. J. L. Jones**, Plas Madoc, Llandoget, Denbighshire, bankers, Dec. 16 at 11, and. ac.—**John Pestell**, Beeston, Sandby, Bedfordshire, corn factor, Dec. 16 at 12, Court of Bankruptcy, London, fin. div.—**Jos. Plowman**, Oxford, ironmonger, Dec. 16 at 12, Court of Bankruptcy, London, fin. div.—**Mary Anne Abercrombie** and **Wm. H. Abercrombie**, Goodge-st., Tottenham-court-road, Middlesex, brass founders, Dec. 15 at 12, Court of Bankruptcy, London, fin. div.—**Thos. Howell**, Queen's-head-passage, Newgate-st., London, tavern keeper, Dec. 15 at 1, Court of Bankruptcy, London, fin. div.—**Ben. B. King**, Fish-street-hill, London, stationer, Dec. 15 at half-past 1, Court of Bankruptcy, London, fin. div.—**G. Gentell** and **Jas. B. Higgs**, Charlotte-row, Mansion-house, London, bill brokers, Dec. 15 at half-past 12, Court of Bankruptcy, London, fin. div.—**Melchor Lopez**, Crutched-friars, London,

wine merchant, Dec. 17 at half-past 11, Court of Bankruptcy, London, div.—*Sam. Pritchett* and *Jos. P. Oridge*, Charlbury, Oxfordshire, glove manufacturers, Dec. 14 at 12, Court of Bankruptcy, London, div.—*Jas. Whitelaw* and *Thomas Whitelaw*, Lichfield-st., Soho, and Store-st., Bedford-square, Middlesex, builders, Dec. 14 at 11, Court of Bankruptcy, London, div.—*C. J. Baker* and *E. J. Eastwood*, London, warehousemen, Dec. 16 at half-past 1, Court of Bankruptcy, London, div.—*R. Freeman*, Edward-st., Portman-sq., Middlesex, hosiery, Dec. 17 at 12, Court of Bankruptcy, London, div.—*Geo. Athine*, Liverpool, brewer, Dec. 15 at 11, District Court of Bankruptcy, Liverpool, div.—*Robert Lee Dawson* and *Patrick Vance*, Liverpool, merchants, Dec. 15 at half-past 11, District Court of Bankruptcy, Liverpool, div. sep. est. of *Robert L. Dawson*.—*Wm. Wilking Bailey*, Liverpool, merchant, Dec. 15 at half-past 11, District Court of Bankruptcy, Liverpool, div.—*Sam. Mead* and *Wm. Mead*, Liverpool, iron merchants, Dec. 15 at 11, District Court of Bankruptcy, Liverpool, div. sep. est. of *Sam. Mead*.—*Thos. Athine Whiteley*, Liverpool, hatter, Dec. 15 at 11, District Court of Bankruptcy, Liverpool, div.—*John Evans*, Liverpool, ironmonger, Dec. 15 at 12, District Court of Bankruptcy, Liverpool, div.—*Chas. Hambleton* and *Sam. Frodsham*, Liverpool, commission merchants, Dec. 15 at 12, District Court of Bankruptcy, Liverpool, div.—*Frederick Corless*, Wigan, Lancashire, tea dealer, Dec. 15 at 11, District Court of Bankruptcy, Liverpool, div.—*Henry Parry*, Liverpool, merchant, Dec. 15 at 11, District Court of Bankruptcy, Liverpool, div.—*Thos. Wright*, Edinburgh, and *Nich. Burgess* and *Ralph Taylor*, Tunstall, Staffordshire, earthenware manufacturers, Dec. 17 at 11, District Court of Bankruptcy, Birmingham, 8n. div. joint and sep. est.—*John Sier*, Cheltenham, Gloucestershire, baker, Dec. 15 at 1, District Court of Bankruptcy, Bristol, div.—*Jos. Ellis West* and *Henry Tennant*, Leeds, Yorkshire, stockbrokers, Dec. 18 at 11, District Court of Bankruptcy, Leeds, div.—*Matthew Hobson*, Great Grimsby, Lincolnshire, corn merchant, Dec. 16 at 10, District Court of Bankruptcy, Kingston-upon-Hull, div.—*J. Breakbridge*, Liverpool, tailor, Dec. 15 at 11, District Court of Bankruptcy, Liverpool, div.—*Robert Lee Dawson* and *P. Vance*, Liverpool, merchants, Dec. 15 at half-past 11, District Court of Bankruptcy, Liverpool, div.

#### CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on the Day of Meeting.

*Fred. Belloni*, Shaftesbury, Dorsetshire, clock maker, Dec. 18 at half-past 12, Court of Bankruptcy, London.—*Jas. Hansen*, Little Britain, London, tallow melter, Dec. 15 at 12, Court of Bankruptcy, London.—*J. Spaul*, Beer-lane, Lower Thames-st., London, wine merchant, Dec. 18 at 1, Court of Bankruptcy, London.—*Wm. Tweddle*, Liverpool, soap manufacturer, Dec. 15 at 12, District Court of Bankruptcy, Liverpool.—*John Birch*, Kingston-upon-Hull, tailor, Dec. 16 at 10, Town-hall, Kingston-upon-Hull.—*Henry Charles Howells* the younger, Bristol, stockbroker, Dec. 22 at 11, District Court of Bankruptcy, Bristol.—*Jas. Tuckett*, Exeter, herbalist, Dec. 17 at 1, District Court of Bankruptcy, Exeter.—*Isaac Sansome*, Coventry, ribbon manufacturer, Dec. 16 at 12, District Court of Bankruptcy, Birmingham.—*Wm. Barker*, Tottington Higher-end, Lancashire, cotton spinner, Dec. 17 at 12, District Court of Bankruptcy, Manchester.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Dec. 15.

*James Woodbridge*, Reading, Berkshire, saddler.—*Henry Tate*, Bristol, sharebrokers.—*Wm. Lawrence*, Sheffield, Yorkshire, stove manufacturer.—*John Audley Horace Jee*, Liverpool, insurance broker.—*Jas. Hall*, Leeds, Yorkshire, chemist.—*Jonathan Prytherck*, Wrexham, Denbighshire, grocer.—*Geo. Miller*, Broad-st., Chapside, London, commission merchant.—*Henry Pascoe*, Stockton-upon-Tees, Durham, grocer.—*Thomas Heppell*, Newcastle-upon-Tyne, timber merchant.—*Stephen Hey*, Colne, Lancashire, worsted manufacturer.

#### PARTNERSHIPS DISSOLVED.

*George Leche Baker*, *Charles Baker*, and *Francis James*, attorneys and solicitors.—*James Plucknett* and *Richard John Roberts*, Lincoln's-inn-fields, Middlesex, attorneys and solicitors.

#### SCOTCH SEQUESTRATIONS.

*Morris Cairnert*, Edinburgh, jeweller.—*John Paterson & Son*, Paisley, tea merchants.

#### INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

*Ed. Fecks*, Grosvenor-terrace, Westminster, out of business, Dec. 1 at 11, Court of Bankruptcy, London.—*Henry Rhodes*, Sheffield, Yorkshire, bone scale cutter, Dec. 4 at 11, Town-hall, Sheffield.—*Wm. Housley*, Bradford, Ecclefield, Yorkshire, spindle maker, Dec. 11 at 11, Town-hall, Sheffield.—*Wilson Burrill*, Kingston-upon-Hull, baker, Dec. 2 at 10, Town-hall, Kingston-upon-Hull.—*Thos. Haywood* and *Wm. Jackson*, Holbeck, near Leeds, Yorkshire, brass turners, Dec. 1 at 11, District Court of Bankruptcy, Leeds.—*Chas. Henry Cebbe*, Congleton, Cheshire, chapel clerk, Nov. 27 at 11, District Court of Bankruptcy, Liverpool.—*Thomas Eakley*, Wibsey Low-moor, near Bradford, Yorkshire, assistant brewer, Dec. 2 at 11, District Court of Bankruptcy, Leeds.—*Mary Woodhouse*, Nottingham, licensed victualler, Dec. 4 at 10, District Court of Bankruptcy, Birmingham.—*J. Mc Givering*, Birkenhead, Cheshire, in no business, Dec. 2 at 11, District Court of Bankruptcy, Liverpool.

Saturday, Nov. 21.

The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.

*Edward Edwards* the elder, Manul-street, Goodman's-fields, Middlesex, bricklayer, No. 58,196 T.; *John Edwards*, assignee.—*Christopher Rawlings*, Saffolk-street, Rothfeld-street, Lower-road, Islington, Middlesex, builder, No. 58,357 T.; *Edward Shepherd*, assignee.—*John Orton*, Durham, superintendent to the erection of coke ovens, No. 67,474 C.; *Wm. Robson* and *Wm. A. Duan*, assignees.—*Ralph Cowell*, Southwick, near Sanderland, Durham, market gardener, No. 67,575 C.; *James Hartley*, assignee.—*Wm. Jones*, Upper Howsell, Leigh, Worcestershire, farmer, No. 67,590 C.; *J. Williams*, assignee.—*Wm. Coleman*, King's Lynn, Norfolk, porter, No. 67,724 C.; *John Grafton*, assignee.—*J. James*, Hay, Breconshire, net maker, No. 67,743 C.; *C. M. Sheldon*, assignee.—*Daniel Cronin*, Much Woolton, near Liverpool, doctor of medicine, No. 67,769 C.; *Henry Daniel* and *George Woods*, assignees.

Saturday, Nov. 21.

Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—

(On their own Petitions).

*John Climencon*, Little Russell-street, Bloomsbury-square, Middlesex, veterinary surgeon: in the Debtors Prison for London and Middlesex.—*James Bonus Mullins*, Exmouth-street, Clerkenwell, Middlesex, builder: in the Debtors Prison for London and Middlesex.—*Alexander Lovie*, Smith-street, Stepney, Middlesex, master in the royal navy on half-pay: in the Debtors Prison for London and Middlesex.—*H. Quinby*, Parsonage-walk, Newington-butts, Newington, Surrey, assistant to officers of sheriff of Surrey: in the Gaol of Surrey.

(On Creditor's Petition).

*Christopher Irving*, York-road, Lambeth, Surrey, railway surveyor: in the Debtors Prison for London and Middlesex. The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Tuesday, Dec. 8, at 9.

*John Ashwell*, John-street, Wilington-square, Middlesex, clockmaker.—*Alfred Babett*, Jermyn-street, Middlesex, general commission agent.

Adjourned.

*Charles Leach*, Great Marlborough-st., Middlesex, furnishing ironmonger.—*James Scott*, Tabernacle-walk, Finsbury, Middlesex, out of business.

Court-house, SALISBURY, Wiltshire, Dec. 9 at 10.

*Edw. James Holton*, Warminster, out of business.—*Thos. M. Walker*, Salisbury, tailor.

#### INSOLVENT DEBTORS' DIVIDENDS.

*George Southcott*, Exeter, coach proprietor: 1s. 5½d. in the pound.—*Wm. Grantham*, Kingston-upon-Hull, lace dealer and hosiery: 11d. in the pound.—*Edw. Thornton*, Amberg,

Wiltshire, painter: 2s. 2½d. in the pound.—*John McNulty*, Liverpool, tailor: 2s. 2½d. in the pound.—*Abraham Whitaker*, Salford, Lancashire, licensed victualler: 1s. 5d. in the pound.—*Joseph Oatly Perry*, Handsworth, near Stafford, engine turner: 1s. 9½d. in the pound.—*Theo. Cowper Sherwin*, East-street, Red Lion-square, Middlesex, commander in the navy: 1s. 6d. in the pound.—*Joseph Hurman*, Woolwington, Somersetshire, farmer: 6d. in the pound.—*Henry Bottemley*, Lee-bank, Ovenden, near Halifax, Yorkshire, grocer: 1s. 1½d. in the pound.—*John Crick*, Goswell-st., Middlesex, baker: 7½d. in the pound.—*John Dickens*, Bell-yue, Hampstead, Middlesex, superannuated clerk in the Navy Pay Office: 4s. 3d. in the pound.—*Elizabeth Needes*, Tapp-street, Mile-end-road, Middlesex, in no business: 6s. 6d. in the pound.—*Samuel Coulthard*, King-street, Portman-square, Middlesex, captain on half-pay in the East India Company's Service: 4s. 7d. in the pound.—*John Wm. Montagu*, Jew's-gap, near Rye, Sussex, lieutenant in the navy: 6s. in the pound.—*Chas. Cleveland*, Canterbury-place, Old Kent-road, Surrey, master in the navy on half-pay: 9s. 6d. in the pound.—*Geo. Bayly*, Bridge-street, Lambeth, Surrey, superannuated clerk in the Custom-house: 4s. 3d. in the pound.—*Alexander Horn*, Portsea, Hampshire, master in the navy on half-pay: 5s. 11d. in the pound.—*Edw. Pugh Owen*, Llanaber, Merionethshire, farmer: 7s. in the pound.—*Thomas Ellis*, Thurlstone, near Penistone, Yorkshire, stonemason: 8s. 7d. in the pound.—*Anna Andoe*, Liverpool, spinster: 20s. in the pound.—*Anna Long*, Bristol, widow, out of business: 5s. in the pound.

## MEETING.

*Joseph Pimbley*, Horwich, Lancashire, saddler, Dec. 14 at 11, Glover's, Bolton-la-Moors, sp. affairs.

## FRIDAY, Nov. 27.

## BANKRUPTS.

**ALEXANDER RUSSELL**, Ashford, Kent, saddler and harness maker, dealer and chapman, Dec. 4 and Jan. 8 at 12, Court of Bankruptcy, London: Off. Ass. Belcher; Sols. Crosby & Compton, Church-court, Old Jewry, London.—Fiat dated Nov. 21.

**JOHN BICKERTON**, Luton, Bedfordshire, plait dealer, Dec. 10 at half-past 12, and Jan. 7 at 1, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Clarke, Fenchurch-street-buildings.—Fiat dated Nov. 25.

**JOHN BORER**, Exmouth-st., Clerkenwell, grocer and tea dealer, Dec. 7 at half-past 12, and Jan. 11 at 11, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Ness, Dyer's-buildings, Holborn.—Fiat dated Nov. 25.

**JOHN GARRATT**, Copenhagen-house, Islington, Middlesex, licensed victualler, Dec. 9 at half-past 11, and Jan. 7 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. King & Co., Queen-street, Cheapside.—Fiat dated Nov. 25.

**RICHARD NICHOLS** the younger, Birmingham, bookseller, stationer, dealer and chapman, Dec. 8 and Jan. 2 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Spurrier & Chaplin, Birmingham; Spyer, 30, Broad-street-buildings, London.—Fiat dated Nov. 24.

**SAMUEL GEORGE BURTON**, Sidmouth, Devonshire, gas manufacturer, dealer and chapman, Dec. 9 and 28 at 11, District Court of Bankruptcy, Exeter: Off. Ass. Herniman; Sols. Terrell, Exeter; Terrell, 14, Gray's-inn-sq., London.—Fiat dated Nov. 24.

**ABRAHAM HUDDLESTON**, Boston, Bramham, Yorkshire, corn miller and farmer, dealer and chapman, Dec. 9 and 28 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sols. Shackleton, Leeds; Sudlow & Co., 20, Chancery-lane, London.—Fiat dated Nov. 23.

**JOHN MINTORN VAUGHAN**, St. Paul, Bristol, builder, dealer and chapman, (late carrying on business as a licensed victualler at the Albion Tavern, St. Michael, Bristol), Dec. 11 at 12, and Jan. 8 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sol. Castle, Bristol.—Fiat dated Nov. 24.

**PETER JONES** and **EDWARD EVERETT**, Liverpool, builders, dealers and chapmen, Dec. 14 and Jan. 7 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Caze-nove; Sols. Ewer, Liverpool; Storey, Featherstone-buildings, London.—Fiat dated Nov. 23.

**WILLIAM CROSLING**, Billericay, Essex, linendraper, dealer and chapman, Dec. 10 at 1, and Jan. 14 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Jones, Sizelane.—Fiat dated Nov. 17.

**WILLIAM GAWTHORNE**, Liverpool, cabinet maker, Dec. 7 and Jan. 19 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Belshaw, Liverpool; Gregory & Co., Bedford-row, London.—Fiat dated Nov. 19.

## MEETINGS.

*Wm. Wells* and *John Claxton*, Victoria-wharf, Bankside, Southwark, Surrey, coal merchants, Dec. 11 at 1, Court of Bankruptcy, London, last ex.—*Thomas Yates*, Bolton-la-Moors, Lancashire, cotton manufacturer, Dec. 10 at 12, District Court of Bankruptcy, Manchester, last ex.—*Henry Cypner*, Ludlow, Shropshire, mercer, Dec. 18 at 11, District Court of Bankruptcy, Manchester, last ex.—*Jesse Cornelius Moore*, Strand, Middlesex, bookseller, Dec. 19 at 11, Court of Bankruptcy, London, aud. ac.—*Jas. Gardiner* and *Fortunatus Robert Townsend Cresp*, Wellington-st., Strand, Middlesex, printers, Dec. 19 at 12, Court of Bankruptcy, London, aud. ac.—*Anthony Turner Edwards*, Idol-lane, Tower-st., London, bricklayer, Dec. 21 at 11, Court of Bankruptcy, London, aud. ac.—*Wm. Tunley* and *Richard Smith Potts*, Old Change, London, common carriers, Dec. 18 at 12, Court of Bankruptcy, London, aud. ac.—*Jas. Fritchard*, Seymour-place, Camden-town, Middlesex, butcher, Dec. 18 at 11, Court of Bankruptcy, London, aud. ac.—*J. Benstead*, Fleet-st., London, hoiser, Dec. 18 at 11, Court of Bankruptcy, London, aud. ac.; Dec. 19 at 11, div.—*Wm. Henry Cox*, College-wharf, Belvidere-road, Lambeth, Surrey, bargebuilder, Dec. 18 at half-past 1, Court of Bankruptcy, London, aud. ac.; Dec. 19 at 1, div.—*Alex. Augustus Mackey* and *Nath. Jas. White Holt*, St. Helen's-place, Bishopsgate-st., London, merchants, Dec. 21 at 11, Court of Bankruptcy, London, aud. ac.—*Edwin Hoare*, Painswick, Gloucestershire, clothier, Dec. 29 at 11, District Court of Bankruptcy, Bristol, aud. ac.—*Thos. Beilby* and *Wm. Heddin Kaberry*, Leeds, Yorkshire, flax spinners, Dec. 19 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*Jas. Jamieson*, Leeds, Yorkshire, stockbroker, Dec. 22 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*Patrick Hare*, Liverpool, tallow chandler, Dec. 18 at 1, District Court of Bankruptcy, Liverpool, aud. ac.—*Thos. Wilson*, *Chas. Kirkman Wilson*, and *W. Wilson*, Liverpool, linendrapers, Dec. 18 at 12, District Court of Bankruptcy, Liverpool, aud. ac.—*John Davies*, Liverpool, oil merchant, Dec. 18 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Wm. Pattinson*, Liverpool, merchant, Dec. 18 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Christ. Dickinson Johnson*, Liverpool, victualler, Dec. 21 at half-past 11, District Court of Bankruptcy, Liverpool, aud. ac.—*John Lufas*, New Brighton, Liscard, Cheshire, coal dealer, Dec. 21 at half-past 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Kenneth McLeod* and *J. Boyle Wood*, Liverpool, ship chandlers, Dec. 21 at half-past 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Sarah Chapman*, Liverpool, sail maker, Dec. 21 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Richard Gregson*, Liverpool, tailor, Dec. 21 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Owen Jones*, Liverpool, draper, Dec. 21 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Jas. Featherstone* and *Robert Kirkpatrick*, Manchester, Dec. 22 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*Geo. Barton* and *J. Barton*, Manchester, copper roller manufacturers, Dec. 21 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Dec. 22 at 11, div.—*James Wallace*, Durham, grocer, Dec. 21 at half-past 10, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*Jas. Evans*, Haywood-lodge, Herefordshire, cattle dealer, Dec. 19 at 11, District Court of Bankruptcy, Birmingham, aud. ac.; at 12, fin. div.—*Wm. Birch Price* and *John Edwards*, Shrewsbury, Shropshire, bankers, Jan. 22 at 12, District Court of Bankruptcy, Birmingham, aud. ac. sep. est. of *John Edwards*.—*Dan. Ambrose*, Audley, Staffordshire, apothecary, Dec. 19 at 11, District Court of Bankruptcy, Birmingham, aud. ac.—*Sam. Fox Stephens*, Old Broad-street, London, bill broker, Dec. 18 at 2, Court of Bankruptcy, London, fin. div.—*Ed. Palmer Sardinson*, *J. Weston*, and *R. Murch*, Wood-st., London, warehousemen, Dec. 18 at half-past 1, Court of Bankruptcy, London, fin. div.—*J. Collins Staines*, Oundle, Northamptonshire, tailor, Dec. 18 at half-

past 12, Court of Bankruptcy, London, div.—*Thos. Maguire*, Birmingham, draper, Dec. 23 at 12, District Court of Bankruptcy, Birmingham, and. ac. and div.—*John Parton*, Birmingham, draper, Dec. 19 at 12, District Court of Bankruptcy, Birmingham, fin. div.—*Henry Deverill*, Stoke-upon-Trent, Staffordshire, and Congleton, Cheshire, corn factor, Dec. 19 at 10, District Court of Bankruptcy, Birmingham, div.—*John Botcherby*, Darlington, Durham, coal owner, Dec. 21 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne, div.—*Geo. Ed. Schultz* and *Henry Ward Carr*, Liverpool, stockbrokers, Dec. 18 at 12, District Court of Bankruptcy, Liverpool, div. sep. est. of *Geo. Ed. Schultz*.—*Ralph Mansfield*, Liverpool, coal dealer, Dec. 18 at 12, District Court of Bankruptcy, Liverpool, div.—*Thomas Oston*, Liverpool, cart owner, Dec. 22 at 11, District Court of Bankruptcy, Liverpool, div.—*Thos. Maraden* the younger, Northallerton, Yorkshire, mercer, Dec. 23 at 11, District Court of Bankruptcy, Leeds, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*F. R. T. Crisp*, Wellington-st. North, Strand, Middlesex, printer, Dec. 18 at 2, Court of Bankruptcy, London.—*Dev. Kempton*, Bermondsey-st., Surrey, bed manufacturer, Dec. 19 at half-past 11, Court of Bankruptcy, London.—*Thos. E. Jones*, Knightsbridge-terrace, Knightsbridge, Middlesex, linen-draper, Dec. 21 at half-past 11, Court of Bankruptcy, London.—*Matt. Thompson*, Saffron Walden, Essex, ironmonger, Dec. 21 at 12, Court of Bankruptcy, London.—*Henry Woolcott*, Museum-st., Bloomsbury, Middlesex, fringe manufacturer, Dec. 21 at half-past 1, Court of Bankruptcy, London.—*Jas. Pittbreathly*, Gloucester-st., Regent's-park, Middlesex, timber merchant, Dec. 21 at 11, Court of Bankruptcy, London.—*Edw. Gardner*, Fieldgate-st., Whitechapel, Middlesex, manufacturing chemist, Dec. 19 at 1, Court of Bankruptcy, London.—*Thomas Moore*, St. Alban's, Hertfordshire, furniture broker, Dec. 21 at half-past 11, Court of Bankruptcy, London.—*Wm. Leek*, Henry-street East, Portland Town, Middlesex, plumbers, Dec. 22 at 2, Court of Bankruptcy, London.—*Rich. Goss*, Ingmanthorpe, Kirk Deighton, Yorkshire, rape dust merchant, Dec. 19 at 11, District Court of Bankruptcy, Leeds.—*Robert Harrison*, Mold, Flintshire, corn dealer, Dec. 22 at 12, District Court of Bankruptcy, Liverpool.—*John Wheelwright*, Stoke St. Welborough, Shropshire, farmer, Dec. 22 at 11, District Court of Bankruptcy, Birmingham.—*Moses Price*, Prestoles, and *Timothy Crompton*, Manchester, Lancashire, brick makers, Dec. 22 at 12, District Court of Bankruptcy, Manchester.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Dec. 18.*

*Maurice Jones*, Liverpool, saddler.—*Wm. Mitchell*, Finsbury-pl., London; Upper Fitzroy-st., Fitzroy-sq., Middlesex; and Kent-st., Southwark, Surrey, furniture dealer.—*John E. C. Koch*, Great Winchester-st., London, East India merchant.—*Walter Longhurst*, Sussex-terrace, Old Brompton, Middlesex, carpenter.—*Thomas Cooke*, Bridge-terrace, Harrow-road, Paddington, Middlesex, plasterer.—*Edward Osley* the younger, King's Lynn, Norfolk, hatter.—*John Newstead*, Regent-st., Middlesex, laceman.—*John Brindley*, Coventry, Warwickshire, laceman.—*Robert Spooner*, Buckingham-st., Strand, Middlesex, licensed victualler.—*John Parr*, South-wharf-road, Paddington, Middlesex, coal dealer.—*John Lead*, Wellington, Shropshire, innkeeper.

#### FIATS ANNULLED.

*John Brett*, Luton, Bedfordshire, sheep salesman.—*Saml. Samuel* and *Walter Samuel*, Birmingham, woollen drapers.

#### PARTNERSHIP DISSOLVED.

*Christ. V. Bridgman* and *Edw. H. Scobell*, solicitors and attorneys.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Chas. Woodward*, Pilgrim-street, Ludgate-hill, London, tailor, Dec. 10 at 11, Court of Bankruptcy, London.—*Wm. Leek*, High Rothing, Essex, farmer, Dec. 10 at 11, Court of Bankruptcy, London.—*Edw. West*, Robert-terrace, Chelsea, Middlesex, teacher of music, Dec. 10 at 12, Court of Bankruptcy, London.—*Hen. West*, Hackney-road, Middlesex,

cabinet maker, Dec. 10 at 12, Court of Bankruptcy, London.—*Harriette Crager*, widow, Portland-road, Portland-place, Middlesex, Dec. 10 at 1, Court of Bankruptcy, London.—*John Penstone*, Wallingford, Berkshire, draper, Dec. 10 at 12, Court of Bankruptcy, London.—*Hen. S. Beens*, Richmond-road, out of business, Dec. 10 at 12, Court of Bankruptcy, London.—*Ausier Byrns*, Vincent-st., Limehouse-fields, Middlesex, gun maker, Dec. 10 at 11, Court of Bankruptcy, London.—*Chas. Bushnell*, Caroline-street East, Camden-town, Middlesex, out of business, Dec. 10 at 11, Court of Bankruptcy, London.—*Wm. B. McPherson*, Canal-terrace, New Camden-town, St. Pancras, Middlesex, out of business, Dec. 15 at 11, Court of Bankruptcy, London.—*John Findlay*, Red Lion-passage, Old St. Pancras-road, Middlesex, labourer at a gas factory, Dec. 9 at 11, Court of Bankruptcy, London.—*Hen. Walker*, Brunswick-pl., Blackheath, Kent, in no business, Dec. 15 at 11, Court of Bankruptcy, London.—*Thomas Luckes*, Exeter, miller, Dec. 8 at 11, District Court of Bankruptcy, Exeter.—*John Thorne*, Bishop's Tawton, Devonshire, out of business, Dec. 8 at 11, District Court of Bankruptcy, Exeter.—*William Cook*, Newcastle-upon-Tyne, auctioneer, Dec. 15 at half-past 10, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Thos. Standing*, Blackburn, Lancashire, power-loom weaver, Dec. 4 at 12, District Court of Bankruptcy, Manchester.—*John Salt*, Brallafoord, Derbyshire, blacksmith, Dec. 11 at 12, Exchange Rooms, Nottingham.—*Edw. Alfred Banks*, Birmingham, out of business, Dec. 8 at 11, District Court of Bankruptcy, Birmingham.—*Christopher Hardacre* the younger, Keighley, Yorkshire, cordwainer, Dec. 8 at 11, District Court of Bankruptcy, Leeds.—*John Bailey*, Barnsley, Yorkshire, out of business, Dec. 8 at 11, District Court of Bankruptcy, Leeds.—*William Stevenson* the elder, Sibsey, Lindsey, Lincolnshire, labourer, Dec. 9 at 10, Town-hall, Kingston-upon-Hull.—*Hugh Workman*, Liverpool, commission agent, Dec. 8 at 11, District Court of Bankruptcy, Liverpool.—*George Jacques*, Carey-st., St. Clement Dances, Middlesex, secretary to the King's College-hospital, Dec. 10 at 12, Court of Bankruptcy, London.—*James Wood*, Farnham, Essex, grocer, Dec. 10 at 11, Court of Bankruptcy, London.—*David Cockett*, Albany-road, Camberwell, Surrey, town traveller, Dec. 10 at 11, Court of Bankruptcy, London.—*Samuel Mark Lazarus*, Great Prescott-street, Goodman's-fields, Middlesex, Dec. 15 at 11, Court of Bankruptcy, London.—*Thos. Dale*, Victoria-place, Portland-place, South Clapham-road, Surrey, plumber, Dec. 15 at 11, Court of Bankruptcy, London.—*James Smith*, Torteth-park, Lancashire, landing waiter in her Majesty's Customs, Dec. 8 at 12, District Court of Bankruptcy, Liverpool.—*William Howell*, Manchester, tailor, Dec. 8 at 12, District Court of Bankruptcy, Manchester.—*C. Williamson*, Great Portland-st., Oxford-st., Middlesex, out of business, Dec. 8 at 12, Court of Bankruptcy, London.—*J. W. Wilson*, Abingdon, Berkshire, plumber, Dec. 8 at half-past 11, Court of Bankruptcy, London.—*H. Treverton*, Old Bailey, London, in no business, Dec. 8 at 11, Court of Bankruptcy, London.—*S. Hindmarsh*, Trinity-ground, Mile-end, Middlesex, schoolmistress, Dec. 8 at 12, Court of Bankruptcy, London.—*Sarah M. Ladd*, Mansion House-place, Camberwell, Surrey, milliner, Dec. 10 at 12, Court of Bankruptcy, London.—*Henry Tracy Caswell*, Noel-street, River-terrace, Islington, Middlesex, in no business, Dec. 10 at 11, Court of Bankruptcy, London.—*Jos. Sykes*, Charles-street, Hampstead-road, Middlesex, gun maker, Dec. 8 at half-past 11, Court of Bankruptcy, London.—*Edward Maughling*, Union-place, Commercial-road East, Middlesex, butcher, Dec. 10 at 12, Court of Bankruptcy, London.—*W. Holmes*, Liverpool, grocer, Dec. 3 at 11, District Court of Bankruptcy, Liverpool.—*John F. Milnes*, Nottingham, engraver, Dec. 4 at 12, District Court of Bankruptcy, Birmingham.—*Mary Woodhouse*, Nottingham, lace dealer, Dec. 4 at 12, District Court of Bankruptcy, Nottingham.

*Wednesday, Nov. 25.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*  
(On their own Petitions).

*John Francis*, Seymour-place, York-street, Walworth, Surrey, clerk and general assistant to a tanner: in the Debtor's Prison for London and Middlesex.—*Matthew Henry Russell*, Union-street, Southwark, Surrey, plumber: in the Queen's Prison.—*Henry Porter*, Liverpool, out of business: in the Gaol of Lancaster.—*John Fieldhouse* the younger, Kingston-

upon-Hull, painter: in the Gaol of Kingston-upon-Hull.—*Saw. Oakes*, Alsager, near Sandbach, Cheshire, butcher: in Chester Castle.—*Saml. Turner*, Manchester, superintendent to a manufacturing chemist: in the Gaol of Lancaster.—*Jas. Gardner*, Newcastle-upon-Tyne, captain: in the Gaol of Newcastle-upon-Tyne.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Friday, Dec. 11, at 9.*

*James Blaney*, Nottingham-place, Whitechapel, Middlesex, builder.—*Nath. Levy*, Aldgate High-st., London, assistant to a carcass butcher.—*Wm. Houghton*, South Conduit-street, Bethnal-green, Middlesex, paper stainer.

*Dec. 14, at the same hour and place.*

*Richard Hall*, High-st., Poplar, Middlesex, clothier.—*H. Jennings*, Gray's-inn-road, Middlesex, out of business.

*Court-house, WIMBORNE, Dec. 11, at 10:*

*Jas. Quick*, Shibley, near Southampton, in no business.—*Wm. Clewer*, Hambledon, farmer.—*Wm. Dendall*, Lowest Wallop, and Broughton, near Stockbridge, gardener.—*George Bellet*, Nettleton, Isle of Wight, linen draper.

*Adjourned.*

*Mrs. Savage* the younger, Fratton, Portsea, managing clerk to a builder.

#### INDEBTED DEBTOR'S DIVIDEND.

*John Hyde Manning*, Manor-place, Chelsea, solicitor, Galsworthy & Nichols's, 9, Cook's-court, Lincoln's-inn: 4d. and 3-8ths of a farthing in the pound, (in addition to a former of 1d.).

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# The Jurist

No. 517—Vol. X.

DECEMBER 5, 1846.

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LONDON, DECEMBER 5, 1846.

We do not set ourselves up for reformers of every alleged abuse in the law or the procedure of courts; neither do we affect to consider ourselves as called upon to take up the defence of the law, whenever it is attacked, justly or unjustly. But when we find the public totally misapprehending the ground and nature of some particular mode of proceeding in the despatch of legal business, we desire, so far as we can through the pages of this Journal reach the public mind, to disabuse it of its error. We have lately seen some remarks in a public journal, purporting to emanate from one of that class of persons called "Chancery suitors," a class with whom the public is, in general, disposed to have a most violent sympathy. The complaint of the individual suitor, to whose lament we refer, is directed against the new practice of transferring causes from the list of one of the Vice-Chancellors which may happen to be overloaded, to that of another which happens to be underloaded; and the particular ground of the complaint is, singularly enough, the very opposite of that which has been generally made against it. The general, and, as we think, well-founded complaint against the practice of transferring causes, is, that it forces a suitor out of the court which he has been permitted to choose, and has chosen, and out of the hands of the counsel that he rightly or wrongly has exercised his undoubted right to confide in, and has chosen, into another court, where he may, at the maturity of a suit, find himself in the hands of a judge and of counsel, to whom its birth is a mystery, and its adolescence an unknown thing. But the complaint of our injured suitor is, that he is not transferred: he has got into the cause list of the Vice-Chancellor of England, whose list is very heavy; and recently he had hugged himself with the notion, that, as there was to be a transfer, the

transfer would be made—and he thinks it ought to have been made—by taking a given number of causes from the top downwards. If that process had been adopted, he would have got into another list, where he believes his cause would have been earlier disposed of. But, alas! the Lord Chancellor has followed some mystic rule of selection, taking a cause here and a cause there, so that some at the bottom of the list are transferred from the Vice-Chancellor of England's paper to another Vice-Chancellor's, and some at the top and in the middle, remain where they were.

Now, this aggrieved suitor has totally misunderstood the principle on which causes are transferred: they are not transferred for the direct purpose of expediting the hearing of any particular set of causes, but for the general expediting of business, by keeping all the branches of the court employed. Only, therefore, indirectly is the practice calculated or intended to bring forward the hearing of particular causes.

But, adopting that as the general principle, the authorities on whom the arrangement of these matters depends, have not thought it right to break in upon private convenience, more than was necessary for effectuating the general purpose of not wasting the judicial strength of the court. Therefore, it has been made, as we believe, a rule, that, in selecting the causes to be transferred, regard has been had to certain circumstances, with a view to avoid, as far as possible, the mischiefs of a compulsory transfer. For instance, if briefs have been actually delivered in a cause, that cause is not transferred, although it might have been so, if its mere numerical position in the list had been considered. So, if both parties desire a cause to remain in the court in which it was originally set down, attention is paid, if possible, to that desire; and a selection is made upon these principles, not with a view to accelerate directly the relative period for the hearing of any

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cause, but with a view to distribute the causes among the several branches of the court, with as little damage to the conduct of causes as may be.

If causes were transferred simply with reference to their places on the list, as, for instance, the first dozen or so, it is manifest that no regard could be paid to any considerations of convenience. The result might, perhaps, be convenient to a very few suitors, viz. those whose causes are at the end of the transferred list, who might thus have their causes brought to a hearing earlier than would otherwise have happened. But to all those who stood at the upper end of the transferred list, as they would have stood already well for a speedy hearing without being transferred, they could gain little or nothing by the transfer in point of time, and would, or at any rate might, lose much in point of convenience and safety, and even incur great additional expense by having to instruct fresh counsel, probably without giving them sufficient time to master the cases thus suddenly brought before them.

That the whole system of transfer is clumsy, we do not deny; we have already before in these pages commented upon it, and suggested, as we now again suggest, that either the several branches of the court should be left to take their chance of business, according to the popularity that they can command, as is the case with the courts of common law; or else that causes should be set down in a regular order by the registrars, without any reference to the wishes of the parties, so as to divide the business compulsorily between the several branches of the court; but no transfer should ever take place, except by the consent of both parties. While, however, the present system does last, it is preposterous for any one, when he has selected his court, and come in at the end of a long list, of the length of which he is apprised, to complain of being wronged, not because the hearing of his cause is deferred, but because he is left in the list of his own selection.

### THE INCIDENCE OF TAXES.—BURTHENS ON LAND.

In treating of the burthens on land, we do not mean to break our vow of political neutrality; on the contrary, our object is to deprive the discussion of its political taint, by shewing that no established tax can possibly constitute a burthen on the owners of land, or of any other species of property. It has often been urged, that moveable and immovable property do not contribute to the public revenue in just rateable proportion. That there is an inequality is generally admitted; but whether land or personalty is favoured is warmly debated. Going into detail, one party complains of the heavy duties on the administration of personal property, and calls for the repeal of this, or the imposition of a similar tax on real property passing by devise or descent. The landowner, justly alarmed, retorts, that this inequality is more than compensated by the great excess of the duties on conveyances of land over those on the transfer of personalty; and both parties concur in demanding a revision of the stamp laws. It is because we think, though on very different grounds, that there is a pressing necessity for an amendment of the stamp laws, and some probability of its being attempted, that we beg the attention of our readers to the theory of the

incidence of taxes, in order, if possible, to prevent the trying of so absurd an experiment as that of seeking to compensate in the reign of Victoria an injustice which, if it ever existed, was consummated in the 53rd of George III.

The operation of taxes in respect of their incidence may be stated in a few propositions, which are so simple and obvious that we should not be justified in bringing them forward and dwelling on them, if they had not been strangely overlooked in some recent discussions. But we may fairly assume that the subject, simple as it is, cannot be universally understood, when we find a committee of the House of Lords, selected (it is to be supposed with regard to their qualification for the task) to inquire and report on the very question before us, returning, as the result and quintessence of their investigations, such incoherencies as these:—

“It is evident that every compulsory charge levied upon the land, and which becomes payable out of its proceeds before any portion of them is available or applicable to the profits of the capital vested in it, must be held to affect that capital\*.”

“Affect the profits of the capital,” we suppose is the meaning. But this will not happen while the land yields rent; for the rent, being the surplus produce of the land after all expenses and the ordinary profits of capital are deducted, must bear every peculiar charge upon the land or its produce; a fact of which the authors of the report appear to be dimly conscious,—for they go on to say: “If such charges are of a magnitude to reduce the value of the net produce of the land below the average profits of capital, such capital would, in accordance with general principles, be withdrawn from the cultivation of the soil to be diverted into some other channel.” Are we to infer, then, that the landowner ever allows the capitalist to reap more than the ordinary profits of capital? By no means; he is well aware, as the committee informs us, that “the cultivation of land will attract capital at a lower rate of interest than most other occupations;” and yet we are told, in the next paragraph, that “all charges levied upon the land, whether paid by owner or occupier, reduce the net profits of their *joint capital* invested in the cultivation of it!”

“The land-tax,” in the opinion of the committee, “is a burthen upon land, inasmuch as it must be deducted from the gross proceeds of the land before its net product can become available as profits of capital.” The beginning and end of this apparently contradictory sentence may, perhaps, be reconciled by reading “profits of capital” in the sense of “rent,”—a “nice derangement of epithets,” by no means without a parallel in this extraordinary report.

The same process which proves land-tax to be a burthen might be thought to be equally applicable to the tithe rent; but the committee feel a lordly contempt for such economy of logic, and having inferred the land-tax to be a burthen because it must be deducted from the gross proceeds of the land before they are netted, concluded that the tithe-rent must be a burthen, because (as they strangely assert) it is to be paid whether there is any produce or not. “The committee are of opinion that the tithe commutation rent-charge operates as a burthen on the land which is subject to it, inasmuch as a certain amount, measured in produce, must be paid, whatever may be the nature of the cultivation, or the return made by it.”

Having treated the other burthens with the like facility and cogency of logic, the committee proposes seven “remedies,”—the seventh being a repetition of certain experiments on the value of malted barley for fattening cattle.

\* Report of the Select Committee on the Burdens affecting Real Property. (Dom. Proc., 18th May, 1846).

Among the infinite variety of shapes which taxation may assume, it will be sufficient for our purpose to consider a few of extensive application—taxes on rent, on land, on profits, on capital, on wages, on commodities.

To exclude ambiguity in the use of terms,—by “wages” we mean that share which the labourer obtains of the produce of his labour, remaining after the capital (including rent) expended in obtaining the product has been replaced. The residue is the profits of capital. It is unnecessary here to shew how this definition may be extended to include wages of what is called “unproductive labour.” The ratio in which the net product of labour and capital is divided between the labourer and the capitalist, or the ratio of wages to profits, varies inversely as the ratio between the quantity of labour in the market and the quantity of labour which the existing capital is capable of fully employing. But the actual ratio in the standard (but indeterminate) case of an exact adaptation of the quantity of labour to the quantity of capital, is obviously incapable of a priori or exact determination. It is the result of a variety of physical and moral inducements, acting in various ways. By “rent” we mean that part of the produce of land which remains, after replacing the capital expended in cultivation, and paying the wages of the labour and the profits of the capital employed.

A tax upon rent will be borne by the landowner. It will not affect the profits of capital, because the landowner has no control over such profits. A tax upon land may be either a tax upon rent, a tax proportionate to the value of the land, (which is the same thing), or a tax varying with the acreage. In the latter case, as well as in the former, the landowner will pay the tax, for it will operate by diminishing rent, which is the surplus left after payment of all expenses, (including taxes), wages, and profits of stock. An acreage tax will also throw out of cultivation all land which, if untaxed, would yield less rent than the amount of the tax; but the details of the operation of such a tax must depend on the mode in which it is levied, and other circumstances. By throwing out of cultivation the most inferior lands, it will diminish the production, and tend to increase the price of agricultural produce; but as the price of other kinds of produce will also rise, it is obvious that (independently of foreign competition) the landowner will lose on the whole. A tax upon the produce of land will also stop the cultivation of the poorest land.

Taxes upon capital and upon profits are the same thing. They fall on the fund to be divided between the capitalist and the labourer, and must affect both profits and wages.

A tax upon wages is obviously the same thing as a tax upon profits: neither tax will affect the consumer as such, because the means of production, and the application of capital and industry, will not be interfered with, and the relative values of commodities will remain the same.

A tax upon all commodities or products of industry, is the same as a tax upon profits or wages: it diminishes the fund to be divided between the capitalist and the labourer, and falls upon those parties.

Rent is not affected by any tax upon capital, profits, wages, or produce, because it is the excess of the produce of land over the gross result obtainable from the same capital and labour otherwise employed.

The taxes we have been considering do not (except in case of an acreage tax on land, or a tax upon the produce of land) interfere with the application of industry, as taxes of a more restricted incidence may do. Most partial taxes, independently of their operation in restraining particular applications of industry, or modes of expenditure, may be referred to one or other of the general classes we have been considering.

A tax upon the sale of land falls chiefly on the seller. He cannot sell in the *investment* market, except at the real value of the land, and must pay the tax out of that value. But this circumstance makes it the interest of the landowner not to sell; and a buyer in want of the land will not generally induce him to sell, except by offering to pay all or part of the tax, in addition to the value of the land. The tax, therefore, operates as a restraint on sales.

Taxes on voluntary gifts, and on successions, fall on the donee or successor; but, inasmuch as they impair the ability of the owner to give or leave his property, the owner may be said also to feel their pressure.

Whenever a tax falls on the consumer, it operates in the same manner as a tax on his wages or his capital; for it is only out of his wages or his capital that he could have purchased the commodity.

It appears, then, that, as land, capital, and labour constitute the entire wealth of a country, its revenue can only be raised from one or more of these sources. The question remains, how is the pressure of the tax felt after it has once been imposed and settled?

Consider, first, taxes upon land. Suppose an estate of fifty acres, producing 100*l.* clear income, to be worth 2000*l.* A perpetual tax of 2*l.* per annum is imposed on it, reducing its clear rental to 98*l.*, and its value to 1960*l.* This is at once a confiscation of 40*l.* for the service of the state. Thenceforth, the owner's income is so much smaller,—his estate is worth so much less. Its value to sell, to give, to leave, is permanently reduced. He sells, and the purchaser pays for a property worth only 1960*l.*:—he dies, and transmits an inheritance of that value. The purchaser or heir, to whom it was never worth more, does not feel the tax. The evil was consummated and exhausted at the moment when the tax was imposed, just as if, instead of taking a perpetual rent-charge of 2*l.*, the government had set apart and appropriated to its own use one out of the fifty acres of the land itself,—which is very nearly what has been done where the land-tax has been redeemed.

A., the owner of the property, now sells it to B., a fundowner, who has never felt the pressure of the tax at all. B. sells out, and A. purchases, stock worth 1960*l.* After this, further supplies are needed, and the Legislature, considering that the landowners are over-taxed, determines to give the fundowner a turn, and now levies 2*l.* per cent. upon stock. How does this equitable adjustment of burthens operate in the individual case we have put? Simply to take from A., in his new character of fundowner, about 39*l.*, making, with the 40*l.* which he formerly contributed as landowner, a total confiscation of 79*l.* B., the fundowner turned squire, escapes free on both occasions.

Past confiscations, like past blows, are felt by no one; and thus taxes upon land and upon existing capital do not constitute a permanent burthen. But taxes which include within their scope capital yet uncreated and wages yet unearned, carry a more enduring sting. The pressure of these taxes is felt from time to time, as the capital or wages on which they are imposed comes into existence, in the same way as if a new tax had been imposed, save only in the absence of the element of unexpectedness.

The moral to be drawn from the above investigation is sufficiently obvious. As all existing taxes on land and on existing capital are, no matter how unjustly imposed in the origin, not burthens on individuals or classes, but portions of the land and capital set apart for the public service, a remission of any of these taxes would be a wanton misapplication of public property for the benefit of particular classes. The land-tax, tithes, highway rates, income-tax on land and on existing stock in the funds, and in joint-stock companies, and other taxes of the like nature, can never, therefore, be remitted consistently with justice to the community. Commutation

or modification, for the purpose of remedying any inconveniences incident to the collection of them in their present form, may be allowed, but not remission. On the other hand, no new tax of partial incidence should be imposed, whether as a remedy for past injustice, or on any other pretence.

In another paper we shall endeavour to ascertain how far the vexatious restrictions of the stamp laws may be relaxed, without detriment to the interests of the public, or of particular classes.

G. S.

### Reviews.

*A Treatise on the Law of the New County Courts, compiled from the Stat. 9 & 10 Vict. c. 95, and the Common Law applicable thereto. By JOSEPH MOSELEY, Esq., Barrister at Law. Part I.*

[Stevens & Norton. London, 1845.]

This is the first part of a work which, if continued in the same style, will probably become a standard book with those whose practice shall lead them within the atmosphere of the new county courts. Mr. Moseley has not hastened to snatch at the new statute, and to bring out, almost with the publication of the act itself, one of those things called editions of an act, with notes critical and practical, but which are in general little more than a reprint of the act, with a few unlearned notes, merely twisting its phrases into some other phrases, not more intelligible than themselves, under pretence of explaining them. But he has set himself, in the spirit of an earnest writer, to expound the new statute, not only by a careful analysis of its enactments, but by collecting a great mass of common-law learning, bearing upon the jurisdiction of inferior courts in general, and upon the powers, duties, and liabilities of persons filling such judicial and official stations as are created by the new statute.

A work of this structure is a work of labour and thought, and deserves a very different measure of examination and consideration at the hands of the critic, from those meteoric productions of which we have before spoken. We shall therefore devote somewhat more of our space and criticism to Mr. Moseley's pages than we have done, or ever will do, to the ordinary class of editions, cum notis, of new statutes. Mr. Moseley's plan will be best understood by the explanation given of it in his Introduction, which we therefore transcribe:—

"By the 3rd section of the statute of the 8 & 9 Vict. c. 95, which, it is scarcely necessary to remark, is the statute on which the new county courts will chiefly depend, and which will therefore be referred to in the following work as 'the statute,' it is declared, 'that every court holden under this act shall have all the jurisdiction and powers of the county court for the recovery of debts and demands as altered by the act.' The effect of this enactment would appear to be not only to give all the powers and jurisdiction of the old county court to the new county court, subject to the express or implied alteration by statute, but also all the law and practice attached to the use of such jurisdiction and practice, subject to the alteration by the statute. For the latter will pass as inseparable from the former, and it would be absurd to suppose that the Legislature intended to give the powers without the duties that are incumbent on the use of them. It will therefore follow, that the jurisdiction and the power, and the law and practice by which such jurisdiction and power were regulated, of the new county courts, is partly that which is contained in the statute and partly that which exists at common law, because the common law was peculiarly that of the old county court.

"In order, then, to obtain as scientific as well as

'practical a view as possible of a subject which is likely to become of so much interest and importance, and yet one which, from its very nature, is at present, and for some years likely to remain, in an unsettled and uncertain state, it is proposed, in the following treatise, under such titles as may be deemed the best guides to the subject-matter they contain, first, to set out in full all the statutory enactments; then to give such comments thereon as may be deemed advisable; and, lastly, to set out all the common law collateral to, or bearing upon, the matters treated of under those titles, hoping, by these means, to anticipate and solve, as far as possible, the doubts and difficulties which are sure to arise in a scheme so extensive as the present.'

According to Mr. Moseley, the new courts will be of a very nondescript character, and he suggests in limine a fertile cause of doubt as to their jurisdiction. After speaking of the power of the Crown to create courts, and of how that power is limited, and shewing that, where courts are created accordant with the common law, all necessary authority will impliedly accrue to them, he proceeds thus:—"And no authority will arise but such as is absolutely necessary. For, as we have seen, though power of appointing officers for the execution of process is created by implication, no such power accrues to appoint an officer to execute a writ of inquiry to assess damages, for that might have been done by the court itself. (*Metcalf v. Worsley*, 1 Roll. Abr. 526). And it is doubtful whether any process will be implied by law, other than process of common law, or whether the common law would imply anything in aid and assistance of a court whose proceedings were not according to the course of common law. As, if a court of conscience, or equity, or of civil law were created by act of Parliament, and power of issuing process or other necessary powers were omitted, it seems doubtful whether such power would be raised by common law. And, at least, it seems improbable that the common law would raise other powers than those existing at common law. And as the proceedings in the new county courts, as before observed, are partly not in accordance with the common law, there may be doubt as to whether any powers necessary for the carrying on the business of the court, and not contained in the statute, would arise to them by implication of law. But, as these courts are declared to be courts of record, and their powers and jurisdiction are to be the same as those of the old county courts, except as altered, there would be less room for any difficulty on this point with respect to these courts than courts of conscience."

So that, if Mr. Moseley's doubt is well founded, and we think it is, the judges of the new courts will probably not proceed far, before finding that the act does not tell them what they are to do; and they cannot infer it from the common law.

We would wish particularly, also, to call to the following passage the attention of those gentlemen who may be ambitious of sitting in the new judicial seats, indulging themselves in the dream that they will have nothing to do but to study the 9 & 10 Vict. c. 95, and to deal out pure moral justice, unencumbered by form, and untrammelled by rules of practice. If Mr. Moseley is right, they will carry with them to the judgment seat the whole of the law and practice of the old county courts, in which case we can only say they will fairly earn their salaries of 1200*l.* per annum. But let us hear Mr. Moseley on this point.

"It were difficult to give any legal definition of the new county courts, such as they appear to be from the above enactments. They are not, indeed, entitled to the name of county courts in its strict sense, for the fact of their being courts of record, and of some of their proceedings being so utterly at variance with the common law, as the trial by five jurymen, and, in

'some cases, by none at all, would disqualify them from such appellation. And yet, by the 3rd section, they are declared to be county courts, except as altered by the act. On the whole, however, the new county courts may be said to be inferior courts of record, the law and practice of which is regulated partly by common law and partly by statute. For, as it is declared that 'they are to have the powers and jurisdiction of the county court for the recovery of debts and demands as altered by this act,' it is presumed that they will be the same in those respects as the old county court, except as so altered. And, as they are to have all the power and jurisdiction of the old county courts, it would appear that they will also have all the law and practice by which such powers were regulated in the old county courts as incidental thereto, except so far as altered expressly or impliedly by the act; for it could never have been intended by the Legislature to give them the power and jurisdiction of the old county courts without the corresponding duties and obligations incumbent on the use of it. But as, by the 6th section, all former acts of Parliament, so far as the same affect the jurisdiction and practice of the courts established by the act, are repealed, there is some doubt whether all the law of the old county courts, so far as the same arose by statute and concerned the practice and jurisdiction of the same, is not repealed so far as the new county courts are concerned. But the statute concerning the oaths necessary to be taken by officers, and the statute concerning the sale of offices, all of which are so important in all courts, are, probably in neither case, statutes within the description of statutes affecting the jurisdiction or practice of the court, and will be as binding on the officers of the new county courts as upon the former ones.

'The importance of the 3rd section, which assimilates the new county courts to the old ones, is extreme, as it has the effect of letting in the whole common law, which was peculiarly that of the old county court, as applicable to the new county courts, subject to the express alterations of the act, and thereby has the effect of elucidating and filling up, as it were, those imperfections and oversights which must ever exist in so extensive a scheme as that contained in the present measure for local jurisdiction. And although the practice and framework of the new county courts bears but little resemblance to that of the old county courts at common law, yet, as all the general principles of common law are not merely applicable to common-law practice, but to most legal proceedings, they will be found more extensive in the application to the new courts than it would at first appear. And these express provisions of the statute are the more necessary, as there is some doubt whether the general principles of common law could be applied in aiding and assisting in the carrying out of jurisdictions, which, in some points of view, were diametrically opposed to it, like courts of conscience and courts of equity, to the former of which these new courts, in some points, and, indeed, entirely in matters below 40s., resemble."

Mr. Moseley proceeds to treat of the courts, shewing, in conjunction with the enactments of the statute, the common law, as to when and where courts may be held, &c. He then proceeds to treat largely of the officers of the court—of their appointment, of their oaths of office, of their interest in their office, of their duties, their fees, and their offences: and on all these subjects he pursues steadily his plan, of stating the effect of the new enactments, so far as they can be expounded before any cases have arisen upon them; and of collecting a great deal of common-law learning bearing upon the different subjects of disquisition. The first part stops here; and we must look forward to the publication of the remainder, for the discussion of that which will be

more important to the practitioner, viz. the procedure of the new courts. On this part of the subject, we presume Mr. Moseley will not enter, until the judges shall, pursuant to the 78th section, have framed the general rules for regulating the practice and proceedings of the county courts. In the meantime, we recommend those who intend to practise, or in any way to connect themselves with the new courts, to procure the part of Mr. Moseley's work that we have here noticed, assuring them that they will find in it solid and practical information, such as they will find it useful to recollect in their county court practice.

## Court Papers.

### EQUITY CAUSE LISTS, AFTER MICHAELMAS TERM, 1846.

\* \* The following abbreviations have been adopted to abridge the space the Cause Papers would otherwise have occupied:—*A.* Abated—*Adj.* Adjourned—*A. T.* After Term—*Ap.* Appeal—*C. D.* Cause Day—*C. Costs*—*D.* Demurrer—*E.* Exceptions—*F. D.* Further Directions—*M.* Motion—*P. C.* Pro Confesso—*Pl.* Plea—*Ptn.* Petition—*R.* Re-hearing—*S. O.* Stand Over—*SA.* Short.

### Court of Chancery.

#### Before the LORD CHANCELLOR.

##### AFFAIRS.

Strickland v. Strickland }  
Ditto v. Boynton } (Ap)  
Ditto v. Strickland }  
Dalton v. Hayter (Ap) *To sit a day*  
Att.-General v. Masters and Wardens, &c. of the City of Bristol (Ap)  
Black v. Chaytor (Ap) *S O*  
Johnson v. Reynolds (F D by order) *S O*  
Lord v. Wightwick (Ap, M)  
Trail v. Bull (Ap)

Stocken v. Dawson (4 ca., Ap) *S O*  
Watts v. Hyde (Ap) *S O*  
Walford v. Adie } (Ap)  
Adie v. Walford }  
Morison v. Morison (Ap)  
Davis v. Chanter (Ap)  
Macmahon v. Burchell } (Ap)  
Ditto v. Ditto }  
Att.-Gen. v. Mayor, &c. of Newcastle-upon-Tyne (Ap)  
Joynson v. Moseley (Ap)  
Bainbridge v. Baddeley (Ap)  
De Beauvoir v. De Beauvoir (Ap)  
Finden v. Stephens (Ap)

#### Before the VICE-CHANCELLOR OF ENGLAND.

##### PLEAS, DEMURRERS, CAUSES, AND FURTHER DIRECTIONS.

Heath v. Chadwick (D)  
Thelluson v. Lord Rendleham (D)  
Tibbs v. Rushbrook (Pl)  
Terry v. Wachter (part heard)  
Simpson v. Holt (F D, C)  
Garrod v. Moor  
Smale v. Bickford (2 causes)  
Peacock v. Kernot  
Morrison v. Watkins  
Wright v. Barnwell (E, F D)  
Greenway v. Buchanan  
Walton v. Morrill  
Dobson v. Lyle (F D, C)  
Parker v. Hawkes (E)  
Giffard v. Withington  
Daniel v. Hill  
Insole v. Featherstonhaugh  
Lane v. Durant (E, F D)  
Pocock v. Johnson  
Cope v. Lewis  
Attorney-Gen. v. Trevelyan  
Start v. Cooke  
Hodgkinson v. Barrow (F D, C)  
Colbourn v. Coling  
Hickson v. Smith (at def. request)  
Palmer v. Pattison (F D, C)  
Minter v. Wraith (F D, cause)  
Hemming v. Spiers (E)

Chambers v. Waters (E)  
Smith v. Robinson  
Foister v. Vernon (F D, C)  
Vale v. Sherwood (7 causes, F D, C)  
Haffenden v. Wood (E)  
Branscomb v. Branscombe (F D, C)  
Stammers v. Halliby (3 ca., F D)  
Ditto v. Battye (by order)  
Dorville v. Wolff (F D, C)  
Richards v. Patterson (F D, C)  
Woodman v. Madgen (F D, C)  
Attorney-Gen. v. Pearson (E, F D)  
Dawson v. Chappell (F D, C)  
Wait v. Horton (F D, C)  
Montague v. Cator (F D, cau.)  
Groom v. Stinton (4 causes)  
Corbett v. Limbrick (F D, C)  
Baxter v. Abbott (F D, C)  
De Beauvoir v. De Beauvoir (F D, C)  
Beale v. Warder (Re-hearing)  
Turner v. Simecock (F D, C)  
Booth v. Lightfoot (F D, C)  
Ludlow v. Guilleband (F D, C)  
Howell v. Sear

Attorney-Gen. v. East India Co.  
 Roberts v. Cardell (E)  
 Warwick v. Richardson (E, F D)  
 Morgan v. Kingdon (F D, C)  
 Lewis v. Hinton (F D, C)  
 Wilson v. Williams  
 Robotham v. Amphlett (E)  
 Ellison v. Clark  
 Bailiff, &c. of Bridgnorth v. Collins (F D, C)  
 Gaches v. Warner (2 causes)  
 Birch v. Joy (F D, C)  
 Day v. Slade  
 Lufkins v. Lufkins (F D, C)  
 Nightingale v. Goulbourn (F D, C)  
 Green v. Bailey  
 Atkins v. Hatton (F D)  
 Straker v. Wilson  
 White v. Briggs (E, 3 sets, F D)  
 Damer v. Portarlington (2 ca.)  
 Greenham v. Greenham (F D, C)  
 Burrow v. Hardey (F D, C)  
 Cholmondeley v. Cholmondeley (F D, C) SA  
 Middleton v. Elliot (F D, C)  
 Hyde v. Neate (E, F D)  
 Milne v. Lee (F D, C)  
 Bownass v. Abbott (E)  
 Langton v. Cozens (F D, C)  
 Mapp v. Elcock (F D, C)  
 Webb v. Enticknap (F D, C)  
 Hammer v. Hammer (F D, C, cause)  
 Myers v. Macdonald (2 causes)  
 Wilson v. Wilson, (E, 2 sets)  
 Garratt v. Lancefield (F D)

Anney v. Walker (2 causes)  
 Ashhurst v. Mill  
 Nicolas v. Nicolas  
 Kennett v. Tytherleigh  
 Lovett v. Seames  
 Jones v. Woods SA  
 Skinner v. Manser (2 causes)  
 Woodward v. Smyth  
 Attorney-Gen. v. Stone  
 Skey v. Ody (F D, C)  
 Wall v. Wall (F D, C)  
 Simpson v. Earles (2 causes)  
 Wright v. Adams  
 Abram v. Ward  
 Elliott v. Lyne (2 causes)  
 Ewart v. Phillips (F D, C)  
 Norton v. Hepworth  
 Belcher v. Lockey (2 causes)  
 Higgins v. Skipp SA  
 Kensit v. Creevy (3 causes)  
 Wasterby v. Fisher (F D, C)  
 Costobadis v. Costobadis (2 causes)  
 Jackson v. Nottidge  
 Woodfall v. Bagster (F D, C)  
 Odell v. Lookett  
 Wright v. Lilley  
 Gervis v. Gervis (F D, C)  
 Fairfax v. Drought  
 Murray v. Stone (F D, C) SA  
 Grant v. Hutchinson (F D, C)  
 Thompson v. Day (F D, C)  
 Hall v. Hall  
 Calvert v. Richards  
 Davids v. Powell SA  
 Field v. Bentley  
 Murray v. Cock (2 causes)  
 Hunt v. Griffith SA  
 Garbett v. Whitehead  
 Attorney-Gen. v. Wilson  
 Foster v. Handley SA

Kortwright v. M'Queen }  
 Ditto v. Barlow }  
 Rentall v. Seale

Gregory v. Wade  
 Hodgson v. Hodgson

### Before the Vice-Chancellor WIGRAM.

#### CAUSES, FURTHER DIRECTIONS, AND EXEMPTIONS.

Belsham v. Harrison (E)  
 Lowes v. Lowes (F D, C) To  
*for a day*  
 Plowden v. Thorpe *Hil. Term*  
 East India Co. v. Coopers' Co.,  
*S O*  
 Maxwell v. Kibblethwaite (2  
 causes) *Easter Term*  
 Starkey v. Blake Dec. 7  
 Tolson v. Dykes (3 causes)  
*After Hil. Term*  
 Ogle v. Hansard  
 Lewis v. Thomas  
 Bell v. Alexander  
 Bull v. Pritchard  
 Dobson v. Land  
 Winter v. Winter (F D, C)  
 Coates v. Hammond (2 causes)  
 Shuttleworth v. Bengough  
 Champion v. Banks  
 Worley v. Frampton (E, F D)  
 Dawes v. Betts  
 Wood v. Rowcliffe  
 Attorney-Gen. v. Lucas (E)  
 Stinton v. Taylor  
 Beach v. Beach (F D, C)  
 Henson v. Blackwell (F D, C)  
 Moss v. Leigh } (E)  
 Ditto v. Whitley }  
 Lake v. Stewart  
 Blundell v. Mills  
 Dean v. Hickenbotham  
 Merry v. Barford (F D, C)  
 Whitlow v. Dilworth (2 caus.)  
 Routledge v. Gibson  
 Bachelor (pauper) v. Middleton  
 Booker v. Clark } (F D, C)  
 Ditto v. Slagg }  
 Payne v. Coles  
 Letts v. The London and  
 Blackwall Railway Co. }  
 The London and Blackwall  
 Railway Co. v. Letts }  
 Chase v. Morris (F D, C)

Crockett v. Crockett (F D, C,  
 Pta)  
 Stephenson v. Everatt (F D,  
 C)  
 Tyler v. Lea (F D, C)  
 Pringle v. Smith  
 Justice v. Langster  
 Marsh v. Kingdom  
 Raby v. Ridehalgh  
 De Sola v. Mennard  
 Jones v. Coles  
 Bennett v. Humberstone  
 Tyler v. Morris (F D, C)  
 Brown v. Brown (F D, C)  
 Ingram v. Thorp  
 Sharp v. Taylor (F D, C)  
 Wilson v. Johnson  
 James v. Wynford  
 Thompson v. Findlay (F D, C)  
 Stevens v. Pillen  
 Say v. Creed (F D, C)  
 Butlin v. Masters (F D, C)  
 Att.-Gen. v. Florence (Supp.  
 bill)  
 Dowse v. Wilson  
 Bennett v. Harry  
 Watson v. Crawley  
 Mollington v. Cook (F D, C)  
 De Menzies v. Desanges  
 Vernon v. Nethersole  
 Frame v. Bailey (F D, C)  
 Dawson v. Paver  
 Lardin v. Binny (F D, C)  
 Gregson v. Booth (F D, C)  
 Salter v. Waller } (F D,  
 Matthews v. Clutton } C)  
 Robinson v. Purday  
 Manser v. Jenner  
 Tipping v. Clark  
 Matthews v. Bowler  
 Howard v. Howard SA  
 Hick v. Flower  
 Spencer v. Church  
 Malcolm v. Scott.

### Before the Vice-Chancellor KNIGHT BRUCE.

#### CAUSES, FURTHER DIRECTIONS, AND EXEMPTIONS.

Collins v. Giles (Pl)  
 Gibbs v. Waters } Dec. 4  
 Ditto v. White }  
 Ballard v. Bateman (pt. heard)  
 Topsham v. Buxton Dec. 12  
 Dunston v. Paterson (F D, C)  
 Dec. 3  
 Sanford v. Sanford (F D, C)  
 Newenham v. Pemberton  
 Thomas v. Phillips  
 Pearce v. Pearce (E, part hd.)  
 Jefferson v. Miller Dec. 7  
 Sheppard v. Harris Dec. 9  
 Fuller v. Woods (F D, C)  
 Leicester v. Newman Dec. 10  
 Edington v. Raekham (F D,  
 Ptn)  
 Cock v. Gustard Dec. 12  
 Follett v. Wesley (F D, C)  
 Taylor v. Simpson (F D, C)

Bishop v. Cappel (F D, C)  
 Pilkington v. Wilson Dec. 17  
 Neale v. Woodhouse Dec. 17  
 Morris v. Bull Dec. 19  
 Edwards v. Champion (2 cau.)  
 Dec. 21  
 Moxhay v. Underwick Dec. 21  
 Thick v. Thick (F D, C) SA  
 Petty v. Atherley Dec. 24  
 Baddelley v. Carwen Dec. 24  
 Hammond v. Baker Dec. 25  
 Smith v. Wilkinson (3 causes)  
 Dec. 26  
 Dowling v. Churchyard Dec. 26  
 Quarrill v. Binnmore (F D, C)  
 Livesey v. Leicester (F D, C)  
 Habersham v. Blurton Dec. 28  
 Treadwell v. Merry (F D, C)  
 Morgan v. Pritchard  
 Batterfield v. Rayner Dec. 28

*Causes transferred from Vice-Chancellor of England's List,  
 by the Lord Chancellor's Order.*

Adam v. Barham }  
 Halloran v. Cohen }  
 Beaton v. Beaton  
 Groom v. Stinton  
 Tarte v. Phillips  
 Bilton v. Frewhoele  
 Atkinson v. Glover  
 Day v. Slade  
 Pennyfather v. Pennyfather (2  
 causes)  
 Radcliffe v. Readett  
 Hollis v. Bryant (2 causes)

Howard v. Kirk  
 Reddish v. Howard  
 Glascock v. Long  
 Bradley v. Teale  
 Parken v. Taylor  
 Warde v. Hill  
 Bellringer v. Blgrave  
 Finch v. Secker  
 Crommetin v. Earl of Belfast  
 Cotgrave v. Cotgrave  
 Hemming v. Dingwall  
 Bannister v. Ellis

### London Gazette.

TUESDAY, DECEMBER 1.

#### INSOLVENT.

JAMES JEFFS, Margaret-street, Cavendish-square, Middlesex, saddler.

#### BANKRUPTS.

JOSEPH BIRNIE ALLEN, Clifton-cottages, Loughborough-road, Brixton, Surrey, and Hatton-garden, London, brick merchant and ironmonger, dealer and chapman, Dec. 8 at half-past 1, and Jan. 8 at 12, Court of Bankruptcy, London: Off. Ass. Belcher; Sol. Chauntley & Westwood, 8, Gray's-Inn-square.—Fiat dated Nov. 30.  
 GEORGE WILDLING, Dartford, Kent, miller and corn factor, dealer and chapman, Dec. 10 at 1, and Jan. 11 at 12, Court of Bankruptcy, London: Off. Ass. Tarquand; Sol. Tripp, Adelaide-place, London-bridge.—Fiat dated Nov. 26.

ROBERT STONE, Petham, Kent, grocer, Dec. 10 at half-past 1, and Jan. 11 at half-past 12, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Kirk, Symond's-inn.—Fiat dated Nov. 17.

GEORGE LUCK and WILLIAM CROFT, York-road, Lambeth, Surrey, drapers, Dec. 15 at half-past 11 and Jan. 19 at 11, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Lawrence & Piers, Old Jewry-chambers, Old Jewry, City.—Fiat dated Nov. 23.

**CHARLES MOSES BROWNE**, New-church, Isle of Wight, Southampton, schoolmaster and dealer in malt, dealer and chapman, Dec. 6 at 11, and Jan. 22 at 12, Court of Bankruptcy, London: Off. Ass. Green; Sols. Rhodes & Lane, Chancery-lane.—Fiat dated Nov. 23.

**WILLIAM WATSON**, Birkenhead, Cheshire, licensed victualler, dealer and chapman, Dec. 14 and Jan. 7 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sols. Bremner, Liverpool; Johnson & Co., Temple, London.—Fiat dated Nov. 24.

**JOHN PAYNE**, Weymouth and Melcombe Regis, Dorsetshire, draper, tailor, dealer and chapman, Dec. 10 at 1, and Jan. 12 at 11, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. Arden, Weymouth; Lambert, Exeter; Marden & Prichard, Christ Church-chambers, Newgate-street, London.—Fiat dated Nov. 24.

#### MEETINGS.

**Wm. Marsden**, Manchester, commission agent, Dec. 14 at 11, District Court of Bankruptcy, Manchester, last ex.—**Wm. Baldwin**, Norland-road, Notting-hill, Middlesex, victualler, Dec. 23 at 1, Court of Bankruptcy, London, and ac.—**Wm. Ashdown**, Chatham, Kent, ironmonger, Dec. 22 at 12, Court of Bankruptcy, London, and ac.—**Francis Holmes** and **Jas. Holmes**, Little Yarmouth, Suffolk, ship builders, Dec. 22 at 11, Court of Bankruptcy, London, and ac.; Dec. 23 at 11, div.—**Francis Barber Kettle**, Brighton, Sussex, horse-dealer, Dec. 22 at half-past 11, Court of Bankruptcy, London, and ac.—**Jos. Jas. Such**, Bollingbroke-row, Walworth-road, St. Mary, Newington, Surrey, auctioneer, Dec. 22 at half-past 1, Court of Bankruptcy, London, and ac.—**Wm. Hes. Morimer**, Lower Harley-st., St. Mary-le-bone, Middlesex, wood peviour, Dec. 23 at 11, Court of Bankruptcy, London, and ac.—**Benjamin Kent**, Rosherville, Kent, out of business, Dec. 22 at 1, Court of Bankruptcy, London, and ac.—**Daniel Sharp**, Southampton, attorney at law, Dec. 21 at 2, Court of Bankruptcy, London, and ac.—**Lewis Reis**, James Power, and **Gustavus Koenig**, Fenchurch-street, London, and Wandsworth, Surrey, merchants, Dec. 22 at 11, Court of Bankruptcy, London, and ac.; at half-past 11, div.—**T. Uriah Knight**, Gravesend, Kent, grocer, Dec. 23 at half-past 12, Court of Bankruptcy, London, and ac.—**William Filbey**, Wrydalsbury, Buckinghamshire, coach maker, Dec. 22 at 12, Court of Bankruptcy, London, and ac.—**J. Ramsey**, Dean-street, Shadwell, Middlesex, glue piece maker, Dec. 24 at half-past 1, Court of Bankruptcy, London, and ac.—**Ebenezer Rogers**, Newport, Monmouthshire, fire brick manufacturer, Dec. 29 at 11, District Court of Bankruptcy, Bristol, and ac.; Dec. 31 at 11, div.—**Thomas Wainwright**, Barnsley, Yorkshire, surgeon, Dec. 22 at 11, District Court of Bankruptcy, Leeds, and ac.—**W. Lawton**, Hey, Staley, Mottram, Cheshire, woollen manufacturer, Dec. 22 at 11, District Court of Bankruptcy, Leeds, and ac. and div.—**John Haddock**, Warrington, Lancashire, bookseller, Dec. 22 at 12, District Court of Bankruptcy, Liverpool, and ac.—**John Sutherland**, Liverpool, copper-smith, Dec. 22 at 11, District Court of Bankruptcy, Liverpool, and ac.—**Norman McLeod** and **C. Browne Farrow**, Liverpool, ship brokers, Dec. 22 at 11, District Court of Bankruptcy, Liverpool, and ac.—**R. Foster Bred** and **Wm. Eccleston**, Liverpool, merchants, Dec. 22 at 11, District Court of Bankruptcy, Liverpool, and ac.—**Wm. Birch Price** and **John Edwards**, Shrewsbury, Shropshire, bankers, Dec. 22 at 12, District Court of Bankruptcy, Birmingham, and ac. sep. est. of **John Edwards**.—**D. Sharp**, Southampton, attorney at law, Dec. 22 at half-past 12, Court of Bankruptcy, London, div.—**W. Ashdown**, Chatham, Kent, ironmonger, Dec. 23 at 12, Court of Bankruptcy, London, div.—**John Russell Spencer**, Halstead, Essex, tanner, Dec. 22 at half-past 1, Court of Bankruptcy, London, div.—**John Currie** and **Louis Elies Seignette**, Mincing-lane, London, merchants, Dec. 22 at 12, Court of Bankruptcy, London, div. joint est.; at 1, div. sep. est. of **John Currie**.—**Vincent Robt. Alfred Brooks**, Robert-street, Hampstead-road, Middlesex, stationer, Dec. 23 at 11, Court of Bankruptcy, London, div.—**G. Hastings Watton**, New Bond-street, Middlesex, tobacconist, Dec. 23 at 1, Court of Bankruptcy, London, div.—**Thos. Foot Piper**, Cheapside, and Bishopsgate-street Without, London, and Thomas-place, North-street, Whitechapel, Middlesex, and Landport, Hants, wholesale stay manufacturer, Dec. 23 at 12, Court of Bankruptcy, London, div.—**Peter Raven**, Newcastle-upon-Tyne, merchant, Dec. 22 at 11, Dis-

trict Court of Bankruptcy, Newcastle-upon-Tyne, div.—**P. Hare**, Liverpool, tallow chandler, Dec. 22 at 12, District Court of Bankruptcy, Liverpool, div.—**John Davies**, Liverpool, oil merchant, Dec. 22 at 12, District Court of Bankruptcy, Liverpool, div.—**Jas. Gray**, Manchester, upholsterer, Dec. 23 at 11, District Court of Bankruptcy, Manchester, div.—**Duncan MacDougall**, Liverpool, factor, Dec. 11 at 12, District Court of Bankruptcy, Liverpool, div.—**Wm. Pattinson**, Liverpool, merchant, Dec. 22 at 12, District Court of Bankruptcy, Liverpool, div.—**Charles Ball**, Lane-end, and Cheadle, Staffordshire, linendraper, Dec. 23 at 11, District Court of Bankruptcy, Birmingham, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on the Day of Meeting.*

**Louis Mewier**, Leicester-place, Leicester-sq., Middlesex, hotel keeper, Dec. 22 at half-past 1, Court of Bankruptcy, London.—**Anthony T. Edwards**, Idol-lane, Tower-street, London, bricklayer, Dec. 22 at 2, Court of Bankruptcy, London.—**Jas. Blunden**, Basingstoke, Southampton, grocer, Dec. 24 at 11, Court of Bankruptcy, London.—**Stephen Joyce**, London-wall, London, stove manufacturer, Dec. 23 at 11, Court of Bankruptcy, London.—**Job Elliott**, Beer-lane, Great Tower-st., London, ship and house smith, Dec. 19 at 11, Court of Bankruptcy, London.—**John Beaton**, Upper-street, Islington, Middlesex, tailor, Dec. 23 at 12, Court of Bankruptcy, London.—**Thomas Savage**, Nuneley, Somersetshire, butcher, Dec. 31 at 11, District Court of Bankruptcy, Bristol.—**Hen. Hutchinson**, Liverpool, merchant, Dec. 22 at 12, District Court of Bankruptcy, Liverpool.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Dec. 22.*

**Thos. Ward**, Nottingham, maltster.—**Wm. G. Merrett**, Leadenhall-st., London, and Oliver's-grove, Bow-road, Middlesex, surgeon.—**John Bloor**, Tutbury, Staffordshire, common brewer.—**Wm. Mallinger**, Swansea, Glamorganshire, maltster.—**Wm. Stockbridge**, High-st., Wandsworth, Surrey, tobacconist.

#### FIATS ANNULLED.

**Edw. W. Phillips**, Bishopsgate-st., London, dealer in glass and china.—**Jas. Topham**, Brewood, Staffordshire, road contractor.

#### SCOTCH SEQUESTRATIONS.

**John Mc-Gibbon & Co.**, Glasgow, merchants.—**Alexander Falconer**, Edinburgh, book agent.—**Wm. J. Ayson**, Black-gowie, merchant.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

**Thos. J. Ennis**, New Shoreham, Sussex, schoolmaster, Dec. 10 at 12, Court of Bankruptcy, London.—**John Southam**, Broadway, Stratford, Essex, furniture dealer, Dec. 8 at 12, Court of Bankruptcy, London.—**Walt. Williams**, Brynnyone Koed, Llanethly, Breconshire, labourer, Dec. 18 at 11, District Court of Bankruptcy, Bristol.—**Geo. Pullin**, Bristol, grocer, Dec. 22 at 11, District Court of Bankruptcy, Bristol.—**Paul Barker**, Manchester, fent dealer, Dec. 14 at 12, District Court of Bankruptcy, Manchester.—**Ralph Shorrocks**, Blackburn, Lancashire, out of business, Dec. 11 at 12, District Court of Bankruptcy, Manchester.—**Jas. West**, Earl Shilton, Leicestershire, blacksmith, Dec. 15 at 10, District Court of Bankruptcy, Birmingham.—**Charlotte Ridge**, widow, Tettenham Clericorum, Staffordshire, Dec. 16 at 12, District Court of Bankruptcy, Birmingham.—**John Cotton**, Bilston, Staffordshire, miner, Dec. 5 at 12, District Court of Bankruptcy, Birmingham.—**John Walker**, Derby, farm labourer, Dec. 18 at 11, District Court of Bankruptcy, Birmingham.—**Ann Entwistle**, widow, Hulme, shopkeeper, Dec. 10 at 12, District Court of Bankruptcy, Manchester.—**Joseph Taylor**, Liscard, Cheshire, retail dealer in ale and porter, Dec. 17 at 11, District Court of Bankruptcy, Liverpool.—**Peter William Leather**, Liverpool, gentleman, Dec. 7 at 12, District Court of Bankruptcy, Liverpool.—**James Slater**, Honley, Almondbury, Yorkshire, small shopkeeper, Dec. 9 at 11, District Court of Bankruptcy, Leeds.—**Edw. Ackroyd**, Herton, near Bradford, Yorkshire, stonemason, Dec. 9 at 11, District Court of Bankruptcy, Leeds.—**Joseph Greenwood**,

Sowerby-bridge, Halifax, Yorkshire, labourer, Dec. 9 at 11, District Court of Bankruptcy, Leeds.—*John Wilkinson*, Sheffield, Yorkshire, assessor filer, Dec. 4 at 10, Town-hall, Sheffield.

*Saturday, Nov. 28.*

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*Wm. Coates* the younger, Tabernacle-walk, Middlesex, wholesale clothier, No. 58,440 T.; *John Ponsford*, assignee.—*Wm. H. Osborn* the elder, Ravenscourt-terrace, Hammer-smith, Middlesex, goldsmith, No. 58,517 T.; *William S. Hughes*, assignee.—*John Wilkinson*, Clitheroe, Lancashire, attorney at law, No. 67,653 C.; *John Whittam*, assignee.—*John James Caudwell*, Garboldisham, Norfolk, maltster, No. 67,659 C.; *Wm. Cutting*, assignee.—*Henry Shields*, Stretford, near Manchester, painter, No. 67,704 C.; *Chas. Gough*, assignee.—*John Meakin*, Manchester, corn dealer, No. 67,708 C.; *George Stonier*, assignee.—*Thomas Jones*, Liverpool, joiner, No. 67,714 C.; *Thomas Mackarell*, assignee.—*Thos. Gould*, Hulme, Manchester, baker, No. 67,767 C.; *Edmund Hopwood*, assignee.

*Saturday, Nov. 28.*

*Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*James Smith*, Denmark-street, Soho, Middlesex, engineer: in the Debtors Prison for London and Middlesex.—*Richard Bosall*, Cirencester-place, Fitzroy-square, and Grosvenor-mews, New Bond-street, Middlesex, coach painter: in the Queen's Prison.—*Abraham Beal*, Keene's-row, Walworth, Surrey, boot maker: in the Queen's Prison.—*John Beeching*, Park-row, Clapham, Surrey, biscuit baker: in the Queen's Prison.—*Edmund Newbould*, Ruxley-cottage, North Cray, Kent, surgeon: in the Queen's Prison.—*John Rowley*, Roseville-cottage, New Church-road, Camberwell, Surrey, book-binder: in the Debtors Prison for London and Middlesex.—*Wm. Meader*, Princes-street, Drury-lane, Middlesex, barman to a licensed victualler: in the Debtors Prison for London and Middlesex.—*John Byrne*, Thornhill-bridge-place, Chalk-road, Islington, land surveyor: in the Debtors Prison for London and Middlesex.—*John Merryweather*, George-st., Southampton-street, Camberwell, Surrey, keeper of a booth for refreshments at fairs and races: in the Queen's Prison.—*Geo. Fairbrass*, Richard-st., Limehouse-fields, Middlesex, leather seller: in the Queen's Prison.—*Charles Purches*, Penny's-terrace, Somers'-town, Middlesex, out of business: in the Queen's Prison.—*Wm. S. Purches*, Anderson's-buildings, City-road, Middlesex, out of business: in the Queen's Prison.—*Joseph Gower*, Long-alley, Finsbury, Middlesex, assistant to a licensed victualler: in the Debtors Prison for London and Middlesex.—*Wm. Jermyn*, Great Yarmouth, Norfolk, out of business: in the Gaol of Norwich.—*John Speckley*, New Smeiton, Nottinghamshire, in no business: in the Gaol of Nottingham.—*James Tofteld*, Sheffield, Yorkshire, corn miller: in the Gaol of Sheffield.—*Thomas Maxfield*, Sunderland near the Sea, Durham, joiner: in the Gaol of Durham.

## FRIDAY, DEC. 4.

### BANKRUPTS.

*HENRY BROOKER*, High-street, Peckham, Surrey, grocer and cheesemonger, dealer and chapman, Dec. 11 at 1, and Jan. 15 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. May, Princes-street, Spitalfields.—Fiat dated Nov. 29.

*MORRIS WILLIAMS*, Priest-court, Foster-lane, Cheap-side, London, warehouseman, Dec. 16 at 11, and Jan. 15 at half-past 12, Court of Bankruptcy, London: Off. Ass. Belcher; Sols. Pain & Hatherly, Basinghall-street, London.—Fiat dated Nov. 27.

*WILLIAM HODSOLL*, South Ash, Kent, farmer and letter out for hire of an agricultural threshing-machine, with horses thereto, dealer and chapman, Dec. 22 at half-past 2, and Jan. 22 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Hayword, Dartford, Kent; Tripp, 2, Adelaide-place, London-bridge.—Fiat dated Dec. 1.

*WILLIAM BOTTLE*, Dover, Kent, grocer, dealer and chapman, Dec. 18 at 3, and Jan. 19 at 1, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Simpson & Cobb, Moor-gate-street.—Fiat dated Nov. 26.

*DAVID STUART*, Stockbridge-terrace, Victoria-road, Fimlico, Middlesex, baker, dealer and chapman, Dec. 18 at half-past 2, and Jan. 22 at 12, Court of Bankruptcy, London: Off. Ass. Groom; Sol. Hare, Coleman-street, City.—Fiat dated Dec. 1.

*THOMAS GAMMAGE*, King-street, Seven-dials, and *JAMES MOTT*, Broad-street, Bloomsbury, Middlesex, cheesemongers, dealers and chapmen, Dec. 12 at 2, and Jan. 23 at 11, Court of Bankruptcy, London: Off. Ass. Groom; Sol. Rosser, 2, Dyer's-buildings, Holborn.—Fiat dated Nov. 24.

*SAMUEL CUNNINGHAM*, Minerva-street, Hackney-rd., Middlesex, proprietor of saw mills and sawyer, dealer and chapman, Dec. 11 and Jan. 16 at half-past 1, Court of Bankruptcy, London: Off. Ass. Follett; Sol. Taylor, Moorgate-street.—Fiat dated Nov. 28.

*JOHN EDWARD SPICER* and *CORNELIUS POULTON*, Alton, Hampshire, paper manufacturers, dealers and chapmen, Dec. 17 and Jan. 18 at 11, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Wilkinson, Nicholas-lane, Lombard-street.—Fiat dated Nov. 24.

*JAMES PETER WILSON*, Clarence-place, Pentonville, Middlesex, builder, tavern keeper, and racket ball manufacturer, dealer and chapman, Dec. 12 at 2, and Jan. 23 at half-past 11, Court of Bankruptcy, London: Off. Ass. Follett; Sol. Goddard, King-street, Cheapside.—Fiat dated Dec. 3.

*WILLIAM SUDDABY*, Kingston-upon-Hull, millwright, seed crusher, dealer and chapman, Dec. 16 and Jan. 20 at 10, District Court of Bankruptcy, Kingston-upon-Hull: Off. Ass. Kynaston; Sols. Holden & Son, Hull; Hicks & Marris, 5, Gray's-inn-sq., London.—Fiat dated Nov. 10.

*JOSEPH GRAHAM* the elder, Alnwick, Northumberland, bookseller and stationer, dealer and chapman, Dec. 21 and Jan. 21 at half-past 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Wakley; Sols. Leithhead & Wilson, Alnwick; Meggison & Co., 3, King's-road, Bedford-row, London.—Fiat dated Dec. 2.

*WILLIAM SHARP* the younger, Pudsey, Calverley, Yorkshire, ale and porter brewer, dealer and chapman, Dec. 22 and Jan. 12 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Kynaston; Sols. Sanderson, Leeds; Rushworth & Co., Staple-inn, London.—Fiat dated Nov. 28.

*GEORGE CHESTERTON* and *JAMES WOODALL*, Birmingham, glass manufacturers, dealers and chapmen, Dec. 16 and Jan. 9 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Reece, Birmingham; Tarleton, Birmingham.—Fiat dated Dec. 1.

*THOMAS ANDERTON*, Sare Hole-mill, Yardley, Worcestershire, miller and farmer, Dec. 19 and Jan. 19 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sol. Tarleton, Birmingham.—Fiat dated Nov. 26.

*RICHARD HALLAM*, Newcastle-under-Lyme, Staffordshire, tea dealer, dealer and chapman, Dec. 15 and Jan. 19 at half-past 12, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sols. Harding, Newcastle-under-Lyme; Smith, Birmingham.—Fiat dated Dec. 1.

*ALFRED JOHN FRANCIS* and *ALFRED PERCIVAL*, Liverpool, slate merchants, dealers and chapmen, Dec. 17 and Jan. 19 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Dodge, Liverpool; Bridger & Co., London-wall, London.—Fiat dated Nov. 25.

*CHARLES MALPAS*, Manchester, victualler, dealer and chapman, Dec. 17 and Jan. 7 at 11, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Dearden, Manchester; Johnson & Co., Temple, London.—Fiat dated Nov. 26.

*DAVID COOK*, Liverpool, wheelwright and blacksmith, dealer and chapman, Dec. 18 and Jan. 8 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Casenore; Sols. Pemberton, Liverpool; Cornthwaite & Co., Old Jewry-chambers, London.—Fiat dated Nov. 28.

### MEETINGS.

*Richard Jackson* and *R. Yale*, Leeds, Yorkshire, engineers, Dec. 15 at 11, District Court of Bankruptcy, Leeds, p. 4.—*Joe. Gass*, Colchester, Essex, draper, Dec. 14 at 1, Court



of Bankruptcy, London, ch. ass.—*Alex. Inglis*, Portsea, Southampton, draper, Dec. 17 at half-past 11, Court of Bankruptcy, London, last ex.—*Thos. Wm. Green Stevens*, Bampton, Oxfordshire, hackney master, Dec. 16 at 11, Court of Bankruptcy, London, last ex.—*Wm. Hildrow*, Darlington, Durham, grocer, Dec. 18 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—*Robt. Williams*, Manchester, publican, Dec. 17 at 11, District Court of Bankruptcy, Manchester, last ex.—*Geo. Dan. French*, Stroud, Gloucestershire, cabinet maker, Dec. 29 at 11, District Court of Bankruptcy, Bristol, and. ac.—*Henry English*, New Broad-st., London, printer, Dec. 30 at half-past 1, Court of Bankruptcy, London, fin. div.—*Wm. Miles Morley*, Bread-st., Cheapside, London, warehouseman, Dec. 30 at 11, Court of Bankruptcy, London, div.—*John Holt*, Rusholme, Manchester, banker, Dec. 30 at 11 and 12, District Court of Bankruptcy, Manchester, fin. div.—*John Haddock*, Warrington, Lancashire, bookseller, Dec. 29 at 12, District Court of Bankruptcy, Liverpool, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Dan. Baseley*, Bolingbroke-row, Walworth, Surrey, cheesemonger, Dec. 26 at 2, Court of Bankruptcy, London.—*Wm. Glascock*, Cambridge, wine merchant, Dec. 28 at half-past 12, Court of Bankruptcy, London.—*Wm. Mullett*, West Peckham, Kent, paper manufacturer, Dec. 28 at 2, Court of Bankruptcy, London.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Dec. 25.*

*John Hellewell*, Wadsworth, Halifax, Yorkshire, worsted manufacturer.—*J. Newburn*, Oxtou, Woodchurch, Cheshire, carpenter.—*J. Orange*, Liverpool, shoemaker.—*J. Richards*, jun., Reading, Berkshire, banker.—*Christopher Davis*, Chepstow, Monmouthshire, carrier.—*Ed. Swanwick Boulit*, Liverpool, sharebroker.—*John Carlisle*, West Derby, Lancashire, builder.—*Sam. Hawley*, Ashton-under-Lyne, Lancashire, grocer.—*Jas. Allison*, Newcastle-upon-Tyne, grocer.—*John Thos. Fenlon*, Llanelly, Carmarthenshire, brickmaker.—*Thos. Benbow*, Cheltenham, Gloucestershire, mercer.—*W. Kearton*, Lambeth-st., Spitalfields, Middlesex, cheesemonger.

#### SCOTCH SEQUESTRATION.

*Patrick Stewart*, jun., deceased, Perth, merchant.

#### DECLARATION OF INSOLVENCY.

*James Tennant*, Silver-st., Wood-st., Cheapside, London, shawl-fringe maker and embroiderer.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Jos. Backhouse*, St. Mary Elms, Ipswich, Suffolk, licensed victualler, Dec. 17 at 1, Court of Bankruptcy, London.—*Rich. K. Barnes*, Hereford-st., Oxford-st., Middlesex, surgeon, Dec. 17 at 1, Court of Bankruptcy, London.—*Eliza Macro*, Threadneedle-st., London, manager to a pastry cook, Dec. 17 at 1, Court of Bankruptcy, London.—*John Walker*, Breadsall, Derbyshire, farm labourer, Dec. 18 at 11, Exchange-rooms, Nottingham.—*Samuel Baylis*, Exeter-street, Lisson-grove, Paddington, Middlesex, dealer in coal, Dec. 17 at 11, Court of Bankruptcy, London.—*Louis Brode*, Chiswell-st., Finsbury-sq., St. Luke, Middlesex, fancy box manufacturer, Dec. 17 at 12, Court of Bankruptcy, London.—*J. Simpson*, Stamford-villas, Fulham, Middlesex, and Moorgate-street, London, mercantile agent, Dec. 17 at 11, Court of Bankruptcy, London.—*James Gall*, Woodcote-place, Lower Norwood, Lambeth, Surrey, tailor, Dec. 17 at 12, Court of Bankruptcy, London.—*Edward Scott*, Hungerford-market, Middlesex, fruiterer, Dec. 23 at 11, Court of Bankruptcy, London.—*Geo. Pink*, Portsea, Hampshire, baker, Dec. 23 at 11, Court of Bankruptcy, London.—*Wm. Henry Harland*, Dunstable, Bedfordshire, baker, Dec. 23 at 11, Court of Bankruptcy, London.—*Wm. Leeds*, Norwich, brush maker, Dec. 17 at 12, Court of Bankruptcy, London.—*John Brown-sell*, Little Earl street, Seven-dials, Middlesex, tripe dresser, Dec. 17 at 11, Court of Bankruptcy, London.—*Jas. Sayer*, Cambridge-terrace, Myddleton-road, Kingsland, Middlesex, oil and colour man, Dec. 17 at 11, Court of Bankruptcy, London.—*Jos. N. Taylor*, Bartlett's-buildings, Fetter-lane, London, out of business, Dec. 17 at 11, Court of Bank-

ruptcy, London.—*Charles H. Ogg*, Rose-villas, North-end, Fulham, Middlesex, miniature painter, Dec. 17 at 12, Court of Bankruptcy, London.—*Caroline Lockwood*, Quadrant, Regent-st., St. James's, Middlesex, milliner, Dec. 17 at 11, Court of Bankruptcy, London.—*Benj. Browne*, South-street, West-sq., Lambeth, Surrey, mechanical draughtsman, Dec. 17 at 1, Court of Bankruptcy, London.—*A. Murch*, Alpha-cottages, Regent's-park, Middlesex, gardener, Dec. 15 at 11, Court of Bankruptcy, London.—*Edw. Benj. Archer*, Hyde-park-square-mews, Middlesex, out of business, Dec. 15 at 11, Court of Bankruptcy, London.—*Thos. Davies*, Cartaret-street, Westminster, Middlesex, milkman, Dec. 15 at 11, Court of Bankruptcy, London.—*Low Ranby*, Leake, near Boston, Lincolnshire, farmer, Dec. 16 at 10, Town-hall, Kingston-upon-Hull.—*J. Walbank*, Keighley, Yorkshire, wool sorter, Dec. 15 at 11, District Court of Bankruptcy, Leeds.—*Joseph Moorhouse*, Meltham, Almondsbury, Yorkshire, stone mason, Dec. 15 at 11, District Court of Bankruptcy, Leeds.—*Wm. Smith*, Bream, West Dean, Gloucestershire, innkeeper, Dec. 18 at 11, District Court of Bankruptcy, Bristol.—*Thomas Miles*, Walcot, Somersetshire, grocer, Dec. 18 at half-past 11, District Court of Bankruptcy, Bristol.—*Henry Matthews*, Bristol, licensed victualler, Dec. 22 at 11, District Court of Bankruptcy, Bristol.—*Fred. R. Carter*, St. Sidwell, Exeter, out of business, Dec. 16 at 11, District Court of Bankruptcy, Exeter.—*Wm. Hosegood*, Rose Ash, Devonshire, tailor, Dec. 16 at 11, District Court of Bankruptcy, Exeter.—*Edw. Smith*, Widemarsh, Herefordshire, agricultural chemist, Jan. 12 at 12, District Court of Bankruptcy, Birmingham.—*Thos. Goodwin*, Stone, Staffordshire, baker, Dec. 22 at 12, District Court of Bankruptcy, Birmingham.—*Robert Collins*, Aston nigh Birmingham, screw bolt maker, Dec. 15 at 12, District Court of Bankruptcy, Birmingham.

*Wednesday, Dec. 2.*

*Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Joseph Aaron Joseph*, Carpenter's-buildings, London-wall, and Bank-chambers, Lothbury, London, occasionally dealing in railway shares: in the Queen's Prison.—*Geo. Rushbrook*, Euston-place, New-road, Middlesex, tailor: in the Debtors Prison for London and Middlesex.—*Thomas Newbould*, Mortimer-street, Cavendish-square, Middlesex, merchant: in the Debtors Prison for London and Middlesex.—*Wm. Charles Day*, Holborn-hill, London, blacking manufacturer: in the Debtors Prison for London and Middlesex.—*Daniel Thomas* the elder, West-green and Wood-green, Tottenham, Middlesex, carpenter: in the Debtors Prison for London and Middlesex.—*William Bates*, Hammersmith-gate, Hammersmith, Middlesex, journeyman paper hanger: in the Debtors Prison for London and Middlesex.—*Thomas Jones*, High-street, Shadwell, Middlesex, sail maker: in the Debtors Prison for London and Middlesex.—*Frederick Wm. Lee*, Southampton-buildings, Holborn, maker of fire escapes: in the Debtors Prison for London and Middlesex.—*Charles Tress*, Patriot-row, Cambridge-heath, Bethnal-green, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Henry Wilson*, Edward-street, Hampstead-road, Middlesex, broker: in the Debtors Prison for London and Middlesex.—*Francis Palmer Parker*, Crammer-place, Waterloo-road, Lambeth, Surrey, out of business: in the Queen's Prison.—*R. Peters*, Hereford-place, Commercial-road East, Middlesex, out of business: in the Queen's Prison.—*Wm. Irlam*, Liverpool, barman to a licensed victualler: in the Gaol of Liverpool.—*Wm. Scruby Tucker*, Bishop's Stortford, Hertfordshire, licensed victualler: in the Gaol of Hertford.—*Michael Barlow* the elder, Manchester, assistant to a pork butcher: in the Gaol of Lancaster.—*John Giles* the younger, Pocklington, Yorkshire, shopkeeper: in York Castle.—*Thomas Knowles*, Rotherham, Yorkshire, out of business: in York Castle.—*Alexander Leish*, Cheetham, Manchester, out of business: in the Gaol of Lancaster.—*Chas. Mott*, Lancaster, auditor for the South Lancashire and Cheetham poor-law union: in the Gaol of Lancaster.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Friday, Dec. 18, at 9.*

*John Davies Harrison*, Queen's-road, Chelsea, Middlesex, baker.—*G. Hamilton Davies*, Bury-street, Chelsea, Middlesex, out of employ.—*Wm. Henry Chapman*, Somerset-place, Havel-street, Camberwell, Surrey, out of business.

*Adjourned.*

*Lucy Hilton*, East Acton, Middlesex, out of business.—*E. John Thurstelle*, Adam-st., Manchester-square, Middlesex, jobbing horse dealer.

*Dec. 21, at the same hour and place.*

*Edmund Newbould*, North Cray, Kent, surgeon.—*John Francis*, Seymour-place, York-street, Walworth, Surrey, clerk to a tanner.—*Joseph Gower*, Long-alley, Finsbury, Middlesex, assistant to a licensed victualler.

**MASTERS IN CHANCERY.**—The Lord Chancellor has appointed the following gentlemen Masters Extraordinary in the high Court of Chancery:—*Arthur Louis Laing*, Colchester, Essex; *Charles Edward Wratiaslaw*, Rugby, Warwickshire; *Charles Bernard Hodgson*, Carlisle; *Richard Dufty*, Nottingham.

**ERRATUM.**—In the list of gentlemen called to the Bar, (Middle Temple), p. 485, for *Walter Mills, Esq., read Walter Hills, Esq.*

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SOME recent discussions and events have called public attention in a forcible manner to a great defect in the jurisprudence of this country. We allude to the absence of any effective power in the Crown to do justice in certain circumstances, where injustice has been done in its name to the subject. Take, for instance, the case of a person accused of crime. Such a person is accused and tried at the suit of the Crown, representing the State. The crime, if he has committed one, is against the public; at any rate, the public, through its organ and representative the Crown, is the prosecutor; and the punishment is almost invariably dictated by a notion of atonement to the State, rather than of compensation to the particular individual who may have been the subject of the crime. The whole principle, in fact, of our criminal law is, that crime is an offence against the State, in which the offence against the individual is merged and lost. Accordingly, the Crown is armed with abundant powers for detecting and punishing crime, but it possesses no sufficient powers for doing justice to a subject against whom its corrective powers may have been erroneously carried into effect. If, for instance, a person has been accused of crime, prosecuted at the suit of the Crown, tried and convicted, and sentenced to the punishment awarded by the law, and such sentence has been carried into effect, and it turns out afterwards, as it does sometimes occur, that the whole affair—prosecution, conviction, and sentence—is founded in error, not of law but of fact, and that the convicted person never did commit the crime for which he is sentenced to punishment; what is his position? What are his rights, and what are the powers of the Crown with regard to him? His position is that of a total dependant upon the power vested in the Crown of shewing mercy. His rights, we mean his moral rights, are pretty clear. As he never

was guilty, as he never ought to have been convicted, and was only convicted through the error of the State, his right is to be remitted back to the condition in which he was before the whole transaction. To give him a pardon, is, in fact, an insult and an absurdity. They are pardoned who have done wrong; and if a sentence is passed upon one who has done no wrong, he ought not to be pardoned, but the sentence ought to be reversed, wholly swept away, as if it had never existed. But this is not all: if, in addition to the injury done by the mere fact of the erroneous judgment, he has received also through it consequential injury, he is of right entitled to compensation for such injury. As between man and man, no one ever dreams of contesting the soundness of this doctrine, and the law recognises and acts upon it. If, for instance, through an erroneous estimate of my own rights I injure another, the law exacts from me, not only that I shall undo whatever I may have done against him, but that I shall make to him compensation for any consequential injury that he may have sustained. If this be a just rule, and no one denies its justice as between subjects or members of the same state, why should a different one prevail between a member of the State and the State itself? And what good purpose can be answered by the assertion of an impossible infallibility on behalf of the State and its representative the Crown? Such, however, is the state of things as between the subject and the Crown. The Crown has no power to atone for the error of those bodies to whom the execution of the laws is entrusted, if in their execution of them they improperly convict and sentence to imprisonment a subject, except by treating him as it would an actual criminal found deserving of mercy, viz. by pardoning him; and beyond that, in the way of compensation for consequential injury, it is not possessed of any powers whatever. It has no public funds at its disposal for

repaying to him even actual expenses improperly forced upon him, still less for making to him any compensation in the nature of damages. Now this, we apprehend, is a grievous defect in the powers vested in the Crown, and one which could be easily remedied. Nor do we apprehend any great indisposition would be found in the public to place at the disposal of the Crown the means of affording compensation, where, in the exercise of its powers for the benefit of the State, it has, through its officers, committed injustice, if the public were once thoroughly imbued with the idea, that in such matters—that is, in the administration of the law—the Crown is at this day purely the representative of the State, and not in the slightest degree personally concerned. When the Crown prosecutes, it is the public that prosecutes for its own protection. If the public has caught and punished the wrong person, it has no more right to shield itself from making compensation, under the vague piece of mystification of the Crown's irresponsibility, than an individual would have if he had injured a fellow-subject; and the public, we are satisfied, would be heartily ashamed of so sheltering itself, if it once saw clearly, as is the fact, that the Crown and itself are, in the matter of enforcing the laws, one and the same thing. The Crown, then, should be invested with the power of reversing and wholly obliterating, at its own expense, (that is, at the public expense), a sentence proved to have been founded in error, and should not be driven to the subterfuge of saving by its mercy a subject, who, not having sinned, cannot properly be an object of mercy. And it should also have placed at its disposal sufficient means for awarding to a person unjustly subjected to loss, and suffering through the error of its officers, compensation, in the nature of damages at the hands of the public.

A part of the system to which the above remarks apply is, the rule of practice, that, in litigation between the Crown and subjects, the Crown pays no costs,—a rule which is, at this day, as absurd as it is harsh. It is founded, like the incapacity to make compensation, partly on the legal fiction that the Crown can do no wrong, and partly on what was, in the olden time, a reality, viz. that while the Crown was, as representing the State, obliged continually to act as a litigant on behalf of the State, its revenues did not flow directly from the people, but were the property of the Crown itself; and were, in fact, scarcely ever sufficient for the maintenance of the authority, and the execution of the various duties, that the political constitution of the times cast upon the Sovereign. But those times and those political arrangements having long passed away, with them should pass away usages which might then be necessary, but are now no longer so. Where, for instance, at this day, the Crown, for the sake of the public revenue, proceeds at law or in equity for the determination of the liability of an individual to pay legacy-duty, the rule that the Crown pays no costs, is productive of great injustice, operating, in many instances, to compel submission merely because the certainty of losing some given amount of property, is better than the uncertainty of the loss that may be inflicted in the shape of costs that cannot be obtained from the plaintiff, even if the defendant is successful. If we

recollect, that in all these cases the Crown is, in truth, but a name, and the litigant is really the public,—that public whose unbounded wealth is the wonder of all nations,—and that it is in all such cases a litigant for its own protection and its own advantage, shall we not say, that it is monstrous that this suitor of endless millions, should avail itself of an obsolete fiction, to drive its individual members into submission, by placing itself beyond the pale of that liability to pay costs, if suing unjustly, which is found so powerful a check upon the capidity of individual suitors?

#### OBSERVATIONS ON GIFTS IN WILLS, WITH WORDS IMPORTING THE PRESENT TENSE; AND ON THE DOCTRINE OF KEEPING MORTGAGE DEBTS ON FOOT, WITH REFERENCE TO *COCKRAN v. COCKRAN*, (14 Sim. 248), AND *MEDLEY v. HORTON*, (Id. 226).

Two cases are reported in the number recently published of Mr. Simons' Reports, which afford much scope for reflection upon the doctrine to be collected from the authorities bearing upon their subjects respectively. The cases to which we allude are, *Medley v. Horton*, (14 Sim. 226), on the question of priorities as between incumbrancers; and *Cockran v. Cockran*, (Id. 248), on the effect in a will, of words of gift, avouring of the present tense. We shall take the second case first.

In *Cockran v. Cockran*, the words of a will of personality were these: "I will that my wife shall receive the interest of all the property that I possess in the public funds, for her own use during her natural life." The testator at the date of his will had no property in the funds, except some Long Annuities, which remained in his name at his death; and the question was, whether the legatee was entitled to the income of other property that the testator had in the funds at his death.

The judgment is, according to the report, of extreme brevity. It runs thus:—Vice-Chancellor.—"It seems to me that the words 'all I possess' mean, 'all I now possess;' that is, at the date of the will."—Declare accordingly.

The authorities on this point are collected in Mr. Jarman's Treatise on Wills, Chap. 10. That learned writer commences by stating two propositions: firstly, that, in regard to wills made before 1838\*, wherever a testator refers to an actually existing state of things, his language is referential to the date of the will, and not to his death, as this is then a prospective event; secondly, that verbs in the present tense have a similar effect in restricting a devise or bequest to the subjects or objects existing at the date of the will. But the learned writer goes on to say, that, in some of the cases, considerable reluctance appears to have been manifested to carry out this principle.

The cases cited by Mr. Jarman in reference to the second point are, *Wilde v. Holtmeyer*, (5 Ves. 816); *Bridgman v. Dove*, (2 Atk. 201); *Ringrose v. Brunham*, (2 Cox, 384), all of which support the contrary of the second general doctrine laid down by him; nor does he cite a single one which supports it. We propose to examine these cases and some others, and to endeavour to point out the distinction that must be referred to in order to find when the rule is that the will speaks from

\* We take it for granted, that, in *Cockran v. Cockran*, the will was made before 1838. If it was not, the express enactment of the 24th section of the Wills Act, would throw great difficulty in the way of supporting the decision.



its own date, and when from the date of the testator's death.

In *Wilde v. Holtmeyer*, the will was penned by a foreigner, and was very informal. There was first a bequest of a particular sum of stock, in these words:—"And as for such worldly estate and effects which I shall be possessed of, or entitled unto, at the time of my decease, I give unto my son, Henrich Herman Holtmeyer, and Robert Charnley, their executors and administrators, the sum of 2100*l*. Consols, 3*l*. per Cent. Bank Annuities, upon trust." Numerous trusts were then declared; and after providing for various events relative to his son and daughters, came these words:—"And in case my three daughters and son shall all happen to die without issue, child or children, of his, her, or their body or bodies, him, her, or them respectively surviving, then, from and after the decease of the survivor of them, upon trust for, and I do hereby give and bequeath all the said trust funds, and *all I am possessed of*, unto and amongst all child of my brothers, deceased and living, and sister, and her children in Germany, all equally alike, as shall be then living, share and share alike. Also, I give and bequeath" &c. Then followed a specific bequest to his daughters, a specific bequest to his son, and other bequests. And at last came a general residuary bequest in these words:—"And in consideration, after my decease, when all my debts and funeral and testamentary expenses are paid and discharged, I give and bequeath all the rest and residue, both real and personal, viz. bonds," &c. There was also a codicil.

The question arose upon the words "all I am possessed of,"—whether they referred only to the 2100*l*., or to the general residue, subject to the specific bequests; and it was held, that, having regard to the various gifts in the will, particularly to the gift of the residue, distinct from the gift of all he was possessed of, and having regard also to the codicil, and the general rule, that a sense must be put upon all the words of a will if possible, the words "all I am possessed of" meant all he possessed of the particular fund before referred to. The judgment was professedly based on the peculiar language and the whole context of the will; and the court, upon the general question of construction, used these words: "I have no difficulty in saying, the legal construction of the words, standing by themselves, is—not exactly what they purport in language—all at the time of making the will; but, if not explained, they must have the effect of passing all the interest in personal estate which the testator might have at his death. And I admit, that if those words closed the will, they would have passed all the trust fund, and everything the testator might have at his death. That is the legal construction, whatever may be the literal one."

In *Bridgman v. Dove*, (3 Atk. 201), the question arose upon the words as to certain estates: "I make liable to all debts I have contracted since 1735." The court said, "In all clauses in respect to provisions for payment of debts, they relate to the time of the death of the testator, in order to make a more honest and faithful provision for payment of debts. If it had been all the debts that I owe, still it would be extended to the time of his death. The words here are, 'which I have contracted;' have contracted must be construed 'shall contract.'" In *Ringrose v. Bramham*, the gift was to "Joseph Ringrose's children, 50*l*., to every child that he hath by his wife Elizabeth;" and the Master of the Rolls said, "I think I may fairly construe the word 'hath,' so as to make it speak at the time the will takes effect, and let in children born between the making of the will and the death of the testator."

In the foregoing cases, it will be observed that the language was not such as to point at all at a specific bequest. There was nothing in either of them, in the words of the gift, inconsistent with including in it objects or

subjects coming into existence after the date of the will. The words "all my debts that I owe, or that I have contracted," are as applicable to the state of things existing at the testator's death, as to that existing at the date of his will. So, if I give to all the children that A. hath, the words may, without any strain upon their meaning, include children at the death as well as at the date of the will. The rule does not, therefore, seem to depend upon whether the words used in themselves designate the present, (for in all the three cases above mentioned the words did particularly designate the present), but upon this question, to what present they are capable of being referred; whether they are necessarily confined to the present existing at the time when they are written, or whether they are capable of including subjects or objects afterwards coming into existence.

The cases in which it has been held, that words designating the present, confine the gift to objects or subjects existing at the date of the will, will all, we think, be found to fall under one of the following two classes. They are either cases in which the testamentary instrument itself necessarily speaks at the date of its execution, and not at the date of the testator's death, and in which, therefore, though there might be a prospective gift if apt words were used, there cannot be such a gift if words importing reference to the present are used, because there can be, with reference to the instrument, but one present, viz. the time of its execution:—or else they are cases in which the subject or object is so specifically designated, that the will cannot include an object coming under the same description at the date of the death, without necessarily excluding the one to which that description applied at the date of the will; a construction which would be absurd, because, though a man may intend to include the future under a description also applicable to the present, he cannot be supposed to use words designating the present, for the purpose of describing exclusively the future.

Of the first class are the cases upon devises of real estate before the Wills Act of 1838, such as *Crossley v. Clare*, (Amb. 397), cited by Mr. Jarman, (vol. 1, p. 278). *Crossley v. Clare* was a devise of lands to persons described as the descendants of A. "now living in and about Seven Oaks, or hereafter living anywhere else." And Sir Thomas Clarke, M. R., held, that descendants born after the date of the will, were excluded by the words "now living." Here the will, being of lands, could only speak at the date of its execution. If it had spoken of descendants generally, it might have included them, though coming into existence after its date, because it might, as well as a common conveyance, have carried estates to persons unborn. But when it used the word "now," that word could have no reference but to the time when the will spoke, and therefore could not possibly be referred to the testator's death.

Of the second class are such cases as *Abney v. Miller*, (2 Atk. 593), where a testator gave all his college leases which he then held; and, after making his will, surrendered those leases, and took others; and it was held that this was a revocation of the bequest. The court said, "Where a testator expresses himself in the present tense, it must relate to what is in being at the time of making the will, and can mean only the first lease and the term to come in it." Now here, if at the date of the testator's death he had continued to hold the same lease that he held at the date of his will, of course there could have been no dispute. But although the will, being of personality, was capable of speaking at his death, yet, the subject-matter falling at his death within the description of the leases that he then held, being distinct from and of necessity displacing the subject-matter that fell within that description at the date of the will, it was impossible to hold the will to apply to the leases of which he was actually



possessed, without saying that the testator never could have meant it to apply to the leases of which he was possessed at the time of making his will. So, in the case put by Mr. Jarman, of a gift to *my son John*, the son John living at the date of the will were to die, living the testator, and the testator had at his death another son John, it would be impossible to hold that the second son John was to take the gift; because, of necessity, the inclusion of the one in the terms of the gift excludes the other. The will could not mean by "*my son John*" two sons John; and it would be too absurd to impute to the testator an intention not to describe the person who was his son John at the time when he made his will, and an intention to describe exclusively a person not existing, and who might never exist.

We conclude, that the authorities are not conflicting, but that there is much more to be considered in applying them than merely whether the words of a will of themselves import the present, or not. That question, it appears to us, must be considered in connexion with the nature of the will; as, whether it is a will of land, which formerly could only speak at the date of its execution; or a will, which, *prima facie*, speaks at the date of the testator's death: and also in connexion with the nature of the subject or object of gift, with reference to the question, whether that is so specific that it would be impossible to apply the description to the subject or object existing at the testator's death, without excluding the possibility of its having been intended to apply to the subject or object existing at the date of the will\*.

C. S. D.

### London Gazettes.

TUESDAY, DECEMBER 8.

#### BANKRUPTS.

JOHN DONALDSON, Regent-st. and Margaret-st., Middlesex, coach maker, Dec. 16 and Jan. 30 at 11, Court of Bankruptcy, London: Off. Ass. Green; Sols. Dunn & Dobie, Raymond-buildings, Gray's-inn.—Fiat dated Dec. 7.

PHILIP HOWARD, Hingham, Norfolk, wine merchant, dealer and chapman, Dec. 16 at 1, and Jan. 19 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Trehern & White, Barge-yard-chambers, Bucklersbury.—Fiat dated Dec. 26.

SIDNEY NELSON, New Bond-street, Middlesex, music seller, Dec. 16 at half-past 1, and Jan. 19 at 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Chapple, Quality-court, Chancery-lane.—Fiat dated Dec. 4.

JOHN SPENCE, Queen-st., Charles-sq., Hoxton, Middlesex, dealer in china, glass, and earthenware, dealer and chapman, Dec. 17 and Jan. 18 at 12, Court of Bankruptcy, London: Off. Ass. Turquand; Sol. Hensman, Basing-lane.—Fiat dated Dec. 5.

EDMUND JONES HOWS, Elizabeth-place, High-street, Deptford, Kent, china dealer, dealer and chapman, Dec. 17 and Jan. 18 at 12, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Sutcliffe, New Bridge-st., Blackfriars.—Fiat dated Dec. 4.

JOSEPH KEED BULLEN, Peterborough, Northamptonshire, tailor, draper, hatter, dealer and chapman, Dec. 22 at 3, and Jan. 19 at half-past 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Wood & Fraser, 78, Dean-street, Soho.—Fiat dated Dec. 4.

RICHARD SATCHELL the younger, Winsley-st., Oxford-street, and Hyde, near Hendon, Middlesex, cowkeeper, (late carrying on business in partnership with Richard Satchell the elder, at Winsley-street, in the trade of a brewer), Dec. 17 at half-past 2, and Jan. 14 at 2, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Rye, Golden-square.—Fiat dated Dec. 4.

JAMES BUSSEY, Bear-st., Leicester-sq., Middlesex, iron-monger, brassfounder, dealer and chapman, Dec. 18 at half-past 1, and Jan. 19 at 2, Court of Bankruptcy, London: Off. Ass. Groom; Sol. Townshend, 17, Howland-st., Fitzroy-sq.—Fiat dated Dec. 7.

WILLIAM CAMERON, Newcastle-upon-Tyne, confectioner, dealer and chapman, Dec. 15 at half-past 12, and Jan. 19 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Chartres, Newcastle-upon-Tyne; Shield & Harwood, 26, Queen-st., Cheapside, London.—Fiat dated Dec. 1.

OWEN EVANS, Liverpool, innkeeper and victualler, dealer and chapman, Dec. 18 and Jan. 19 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Fisher & Stone, Liverpool; Cornthwaite & Co., Old Jerry-chambers, London.—Fiat dated Nov. 23.

JOHN JULIAN JACKSON, Liverpool, and Birkenhead, Cheshire, wine merchant, dealer and chapman, Dec. 18 and Jan. 19 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Dodge, Liverpool; Bredger & Co., London-wall, London.—Fiat dated Dec. 2.

JAMES BARRON RODWAY, Birmingham, commission agent, dealer and chapman, Dec. 22 and Jan. 19 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sol. Suckling, Birmingham.—Fiat dated Dec. 4.

WILLIAM BARKER, Nottingham, hosier, lace dealer, dealer and chapman, Dec. 18 and Jan. 8 at 12, District Court of Bankruptcy, Nottingham: Off. Ass. Bittleston; Sol. Bowley, Nottingham.—Fiat dated Dec. 2.

WILLIAM THOMAS, Treforest, near Cardiff, Glamorganshire, draper, grocer, dealer and chapman, Dec. 22 and Jan. 22 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sols. Bird, Cardiff; Short, Bristol.—Fiat dated Dec. 2.

MATTHEW BURTON and BENJAMIN SHAEN, Beswick and Miles Platting, Manchester, cotton spinners, dealers in woollen and cotton waste, dealers and chapmen, (trading under the firm of Burton & Shaen), Dec. 19 and Jan. 12 at 11, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Baker, Manchester; Pittendreich & Stevenson, South-square, Gray's-inn, London.—Fiat dated Dec. 4.

#### MEETINGS.

*Henry Ward*, Widford-mill, near Burford, Oxfordshire and Gloucestershire, and Ludgate-street, London, paper manufacturer, Dec. 21 at 12, Court of Bankruptcy, London, pr. d.—*John Dailey* and *Alfred Inskip*, Long-lane, Bermondsey, Surrey, leather manufacturers, Dec. 22 at 11, Court of Bankruptcy, London, last ex.—*Wm. Elliott*, Petworth, Sussex, corn merchant, Dec. 12 at 1, Court of Bankruptcy, London, last ex.—*Benjamin Clarke*, Kingston-upon-Thames, Surrey, porter merchant, Dec. 12 at half-past 12, Court of Bankruptcy, London, last ex.—*Isaac Bryant*, Victoria-grove, Stoke Newington, Middlesex, builder, Dec. 12 at 12, Court of Bankruptcy, London, last ex.—*Charles Carr*, Heaton Norris, Stockport, Lancashire, cotton manufacturer, Dec. 30 at 12, District Court of Bankruptcy, Manchester, and. ac.; Dec. 31 at 11, div.—*James Hampson*, Manchester, iron founder, Dec. 30 at 12, District Court of Bankruptcy, Manchester, and. ac.; Dec. 31 at 12, div.—*Thomas Bateman*, Coventry, Warwickshire, victualler, Jan. 9 at 11, District Court of Bankruptcy, Birmingham, and. ac. and div.—*Edw. Hodges*, Circus-street, New-road, St. Mary-le-bone, Middlesex, wine merchant, Dec. 29 at 11, Court of Bankruptcy, London, div.—*Michael Casanas*, Fenchurch-street, London, wine merchant, Dec. 29 at half-past 1, Court of Bankruptcy, London, fin. div.—*Wm. Vann*, Old-street, St. Luke, Middlesex, upholsterer, Dec. 29 at 2, Court of Bankruptcy, London, fin. div.—*Richard Wilson*, Stoke-upon-Trent, Staffordshire, merchant, Dec. 29 at 1, Court of Bankruptcy, London, fin. div.—*Theophilus Lane*, Hereford, coal merchant, Jan. 13 at 12, District Court of Bankruptcy, Birmingham, and. ac. and fin. div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Th. Lyttleton Holt* and *John Neale*, Fleet-street, London, printers, Dec. 30 at 12, Court of Bankruptcy, London.—*Jas Plumley*, Reading, Berkshire, stone mason, Dec. 30 at 11, Court of Bankruptcy, London.—*Samuel Ward*, Lillypot-lane,

\* The observations on *Medley v. Horton* will form the subject of another paper.

London, lasting manufacturer, Dec. 29 at 2, Court of Bankruptcy, London.—*George Langford*, Southampton, grocer, Dec. 29 at 2, Court of Bankruptcy, London.—*M. Wilson Osborne*, Coventry, Warwickshire, grocer, Dec. 30 at 1, District Court of Bankruptcy, Birmingham.—*John Burton*, Middleton, Lancashire, cotton spinners, Dec. 31 at 12, District Court of Bankruptcy, Manchester.—*Henry Charles*, Manchester, commission agent, Dec. 31 at 11, District Court of Bankruptcy, Manchester.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before Dec. 29.*

*Wm. Absalom Darby*, Charles-street, Westbourne-terrace, Paddington, Middlesex, builder.—*James Clarkson*, Barnsley, Yorkshire, plumber.—*Wm. Howe*, Boxford, Suffolk, brick-layer.—*Matthew Norman* the younger, Richmond, Yorkshire, cabinet maker.—*Wm. Mullinger Higgins*, Guildford-street, Russell-square, Middlesex, laceman.

#### PARTNERSHIPS DISSOLVED.

*Philip Finch Curry*, *H. Heathcote Statham*, and *Francis Horner*, Liverpool, solicitors and attorneys at law.—*Thomas Sam. Wright* and *Robt. Frederick Welchman*, Southam and Leamington Priors, Warwickshire, attorneys and solicitors.

#### SCOTCH SEQUESTRATION.

*J. and W. Stewart*, Glasgow, metal brokers.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*James Nisbet*, Salisbury-place, Rhodeswell-road, Stepney, Middlesex, carpenter, Dec. 15 at 1, Court of Bankruptcy, London.—*James Wright*, Cottage-place, Shropshire-place, Pancras-st., Tottenham-court-road, Middlesex, coach builder, Dec. 15 at 12, Court of Bankruptcy, London.—*Henry Aspin*, Elizabeth-st., Pimlico, Middlesex, messenger in the Office of her Majesty's Secretary of State for Foreign Affairs, Dec. 15 at 12, Court of Bankruptcy, London.—*Michael Molineux*, Huntly-st., Tottenham-court-road, Middlesex, house decorator, Dec. 15 at half-past 11, Court of Bankruptcy, London.—*John Christie*, Stamford-bridge, Fulham-road, Middlesex, stonemason, Dec. 15 at half-past 11, Court of Bankruptcy, London.—*Ed. Beck*, Heacham, Norfolk, farming bailiff, Dec. 15 at 1, Court of Bankruptcy, London.—*Wm. Brown*, King-square, Goswell-street-road, and 27 Wharf, City-road-basin, Middlesex, commission-agent, Dec. 15 at half-past 12, Court of Bankruptcy, London.—*Richard Nicholls* the elder, Hanover-street, Walworth, Surrey, out of business, Dec. 15 at half-past 1, Court of Bankruptcy, London.—*Brice Bond*, Hatfield-st., Christchurch, and Commercial-road, Surrey, ornamental writer, Dec. 15 at 1, Court of Bankruptcy, London.—*Jos. Thos. Thorpe*, Rupert-st., Haymarket, St. James, Westminster, Middlesex, general dealer, Dec. 15 at 1, Court of Bankruptcy, London.—*Francis Brook*, Margate, Kent, licensed victualler, Dec. 11 at half-past 1, Court of Bankruptcy, London.—*J. Bradford*, Somers'-town, St. Ann's, Wandsworth, Surrey, bootmaker, Dec. 17 at 1, Court of Bankruptcy, London.—*Geo. Thos. Huggett*, High-st., Shoreditch, and New-inn-yard, Curtain-road, coffee-house keeper, Dec. 24 at 11, Court of Bankruptcy, London.—*John Welford*, Northampton, currier, Dec. 17 at 2, Court of Bankruptcy, London.—*Henry Hibbins*, Boston, Holland, Lincolnshire, dealer in rabbits, Dec. 18 at 11, District Court of Bankruptcy, Nottingham.—*John Worthy Hance*, Alcester, Warwickshire, schoolmaster at the National School at Alcester, Dec. 12 at 11, District Court of Bankruptcy, Birmingham.—*Joseph Glasbey*, Mexbro, near Rotherham, Yorkshire, butcher, Dec. 18 at 10, Town-hall, Sheffield.—*W. Chapman*, Sheffield, fender smith, Dec. 18 at 10, Town-hall, Sheffield.—*Thos. Atkinson*, Sheffield, Yorkshire, file cutter, Dec. 18 at 10, Town-hall, Sheffield.—*Jos. Septimus Ward*, Beeston, Nottingham, attorney at law, Dec. 18 at 10, Town-hall, Sheffield.—*Robert Jones*, Walton, Lancashire, butcher, Dec. 17 at 12, District Court of Bankruptcy, Liverpool.—*William McCarron*, Liverpool, surgeon, Dec. 14 at 12, District Court of Bankruptcy, Liverpool.—*John McCabe*, Liverpool, lodging-house keeper, Dec. 18 at 11, District Court of Bankruptcy, Liverpool.—*Wm. Miller*, St. Mellons, Monmouthshire, tailor, Jan. 5 at 11, District Court of Bankruptcy, Bristol.

—*Wm. Wright*, Liverpool, carter, Dec. 14 at 1, District Court of Bankruptcy, Liverpool.—*Thos. Nicholson*, Bolton-le-Moors, Lancashire, travelling draper, Dec. 18 at 12, District Court of Bankruptcy, Manchester.—*John Wagstaffe*, Salford, Lancashire, tailor, Dec. 18 at 12, District Court of Bankruptcy, Manchester.—*Charles Wouters*, Deansgate, Manchester, tracing paper maker, Dec. 18 at 12, District Court of Bankruptcy, Manchester.—*Sam. Stephens Cholditch*, Brewwood, Staffordshire, schoolmaster, Dec. 12 at 11, District Court of Bankruptcy, Birmingham.—*Jas. Harding*, Bristol, biscuit baker, Dec. 29 at half-past 11, District Court of Bankruptcy, Bristol.—*Robert Robinson*, Gloucester, retailer of beer, Dec. 29 at 1, District Court of Bankruptcy, Bristol.—*John Potter*, Thringstone, Leicestershire, out of employ, Dec. 18 at 11, District Court of Bankruptcy, Nottingham.—*John Cotton*, Audley, Staffordshire, collier, Jan. 9 at 11, District Court of Bankruptcy, Birmingham.—*Wm. Hallam*, Holborn-hill, London, bootmaker, Dec. 10 at 11, Court of Bankruptcy, London.

*Saturday, Dec. 5.*

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*Wm. Moate*, Salford, Lancashire, general dealer, No. 67,685 C.; *John Cowper Mee*, assignee.—*Thomas Barron*, Clavering, Essex, blacksmith, No. 66,589 C.; *Chas. Brand*, assignee.—*Joseph Simms Legge*, Margate, Kent, grocer, No. 58,496 T.; *Thomas Mitchell*, assignee.—*John Evans*, Criesley, Herefordshire, tea dealer, No. 67,663 C.; *Joseph Morris*, assignee.—*John Kitchen*, Heaton Norris, near Manchester, provision shopkeeper, No. 67,677 C.; *Thomas Wilson*, assignee.

*Saturday, Dec. 5.*

*Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Wm. C. Lloyd*, Chandos-street, West Strand, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Thomas B. Stewart*, Providence-row, Park-road, Islington, Middlesex, lieutenant in the royal navy: in the Debtors Prison for London and Middlesex.—*John Mantle*, Vauxhall-walk, Lambeth, Surrey, pork butcher: in the Gaol of Surrey.—*Joseph Blackoten Brushfield*, Great Cambridge-street, Hackney-road, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*M. Cooper*, Seymour-street, Euston-square, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Charles B. Lupton*, St. John-street, Clerkenwell, Middlesex, watchmaker: in the Debtors Prison for London and Middlesex.—*Fras. P. Stockdale*, Salford, Lancashire, plumber: in the Gaol of Lancaster.—*Thomas Munn* the younger, Brighton, and Hove, Sussex, plumber: in the Gaol of Lewes.—*Robert Kaye*, Almondbury-bank, Dalton, near Huddersfield, Yorkshire, out of business: in the Gaol of York.—*Joshua Clough-ton*, Yeadon, near Leeds, Yorkshire, out of business: in the Gaol of York.—*James Mitchell*, Penistone, near Barnsley, Yorkshire, unemployed: in the Gaol of York.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Tuesday, Dec. 22, at 9.*

*John Byrne*, Thornhill-bridge-place, Chalk-road, Islington, Middlesex, land surveyor.—*Henry Quinby*, Parsonage-walk, Newington-butt, Surrey, assistant to officers of the sheriff of Surrey.—*George Rushbrook*, Euston-place, New-road, Middlesex, tailor.—*Abraham Beal*, Keen's-row, Walworth, Surrey, shoemaker.—*Wm. Bates*, Brunswick-place, Hammer-smith, Middlesex, paper hanger.—*Charles Tress*, Patriot-row, Cambridge-heath, Middlesex, cheesemonger.—*William Meader*, Princes-street, Drury-lane, Middlesex, barman to a publican.—*Jas. Geo. Hancock*, St. Stephen's-terrace, Wharf-road, Pentonville, Middlesex, corn dealer.—*Jos. Goulding*, Charles-street, City-road, Middlesex, out of business.

#### MEETING.

*William Spencer*, Addingham, near Skipton, Yorkshire, building contractor, Dec. 28 at 11, Devonshire Arms Inn, Keighley, sp. affairs.

## FRIDAY, DEC. 11.

## BANKRUPTS.

**THOMAS MORLEY**, Oxford-street, Middlesex, jeweller, dealer and chapman, Dec. 18 at half-past 2, and Jan. 19 at 1, Court of Bankruptcy, London: Off. Ass. Belcher; Sol. Spyer, 30, Broad-st.-buildings, City.—Fiat dated Dec. 8.

**JAMES JEFFS**, Margaret-st., Cavendish-square, Middlesex, saddler, dealer and chapman, Dec. 21 at half-past 12, and Jan. 18 at 1, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Walters & Co., Symond's Inn, London.—Fiat dated Dec. 8.

**JOHN HALLOWELL**, Newcastle-upon-Tyne, maltster, Dec. 22 at half-past 10, and Jan. 22 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Wakley; Sols. Harle, Newcastle-upon-Tyne; Chisholme & Co., 64, Lincoln's-inn-fields, London.—Fiat dated Dec. 7.

**HENRY COCHRANE**, Manchester, merchant, warehouseman, dealer and chapman, Dec. 23 and Jan. 28 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Bagshaw, Manchester; Johnson & Co., Temple, London.—Fiat dated Dec. 7.

**WILLIAM HAYES**, Liverpool, shipwright and boat builder, dealer and chapman, (carrying on business there in partnership with Richard Hayes, under the firm of Christopher Hayes & Co.), Dec. 31 and Jan. 19 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sols. Hetherington & Co., Liverpool; Keightley & Co., Chancery-lane, London.—Fiat dated Dec. 7.

**NICHOLAS BROAD**, Bristol, tea dealer and grocer, dealer and chapman, Dec. 24 and Jan. 26 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sol. Hartley, Bristol.—Fiat dated Dec. 5.

**CHARLES WILCOCKSON** and **WILLIAM SHARPE BARRICK**, Kingston-upon-Hull, stock and sharebrokers, dealers and chapmen, Dec. 23 and Jan. 20 at 10, Town-hall, Kingston-upon-Hull: Off. Ass. Kynaston; Sols. Wells & Smith, Hull; Tilson & Co., Coleman-st., London.—Fiat dated Dec. 1.

## MEETINGS.

*Messrs. Roberts*, Manchester, grocer, Dec. 22 at 12, District Court of Bankruptcy, Manchester, ch. ass.—*John Jarvie* and *James Rowley*, Newton, Manchester, silk manufacturers, Dec. 22 at 11, District Court of Bankruptcy, Manchester, last ex. of *John Jarvie*.—*John Kearry*, Strutton-ground, Westminster, Middlesex, cheesemonger, Jan. 14 at 1, Court of Bankruptcy, London, aud. ac.—*George Luck Harvey*, Rood-lane, London, wine merchant, Jan. 7 at 2, Court of Bankruptcy, London, aud. ac.—*J. Orange*, Liverpool, shoemaker, Jan. 4 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*J. Burton*, Liverpool, auctioneer, Jan. 4 at 12, District Court of Bankruptcy, Liverpool, aud. ac.—*Chas. Hen. Purnell*, Liverpool, coal merchant, Jan. 4 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Sally Budd*, Newton Abbot, Devonshire, grocer, Jan. 12 at 11, District Court of Bankruptcy, Exeter, aud. ac.; Jan. 13 at 11, div.—*Chas. Burrows*, East Stonehouse, and *J. Gliddon*, Plymouth, Devonshire, beer brewers, Jan. 12 at 11, District Court of Bankruptcy, Exeter, aud. ac.; Jan. 13 at 11, div.—*Thomas Taylor*, Liverpool, bookseller and stationer, Jan. 5 at 12, District Court of Bankruptcy, Liverpool, aud. ac.—*Benjamin Carter*, Nottingham, lace manufacturer, Jan. 15 at 10, District Court of Bankruptcy, Nottingham, aud. ac.—*Wm. East*, Spalding, Lincolnshire, builder, Jan. 15 at 10, District Court of Bankruptcy, Nottingham, aud. ac.—*Geo. Jos. Green*, Birmingham, glass manufacturer, Jan. 19 at 12, District Court of Bankruptcy, Birmingham, aud. ac.—*Thos. B. Harris*, Leicester, hosier, Jan. 15 at 10, District Court of Bankruptcy, Nottingham, aud. ac.—*Wm. Barker* and *Sam. Adams*, Nottingham, hosier, Jan. 15 at 10, District Court of Bankruptcy, Nottingham, aud. ac.—*Richard Hodgkinson*, Leamington Priors, Warwickshire, builder, Jan. 12 at 12, District Court of Bankruptcy, Birmingham, aud. ac.—*Wm. Baldock*, Nottingham, grocer, Jan. 15 at 11, District Court of Bankruptcy, Nottingham, aud. ac.—*Thomas Small Smith*, Wednesbury, Staffordshire, carpenter, Jan. 12 at 11, District Court of Bankruptcy, Birmingham, aud. ac.—*Hen. Morris*, Stourbridge, Worcestershire, grocer, Jan. 12 at 10, District Court of Bankruptcy, Birmingham, aud. ac. and div.—*Joseph Nokes*, Hinckley, Leicestershire, hosier, Jan. 2 at 10, District

Court of Bankruptcy, Birmingham, aud. ac.—*Alex. Aug. Mackey* and *Nath. Jas. W. Holt*, St. Helen's-pl., Bishopsgate-st., London, merchants, Jan. 4 at 12, Court of Bankruptcy, London, div.—*Hen. Wm. Morley*, Dean-st., Soho, Middlesex, tailor, Dec. 30 at 11, Court of Bankruptcy, London, div.—*Wm. M. Morley*, Bread-st., Cheap-side, London, warehouseman, Jan. 13 at 1, Court of Bankruptcy, London, div.—*Geo. Cleverley*, Calne, Wiltshire, builder, Jan. 7 at 11, District Court of Bankruptcy, Bristol, fin. div.

## CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on the Day of Meeting.*

*Richard B. Bradly*, Bishopsgate-street-without, London, jeweller, Jan. 8 at 12, Court of Bankruptcy, London.—*Robert Watson*, York, silk mercer, Jan. 6 at 11, District Court of Bankruptcy, Leeds.—*John Mortimer*, Bradford, Yorkshire, woolstapler, Jan. 6 at 11, District Court of Bankruptcy, Leeds.—*Edw. Williams*, Northop, Flintshire, draper, Jan. 1 at 12, District Court of Bankruptcy, Liverpool.—*Sally Budd*, Newton Abbot, Devonshire, grocer, Jan. 12 at 11, District Court of Bankruptcy, Exeter.—*Fred. Butler*, Stafford, ironmonger, Jan. 2 at 11, District Court of Bankruptcy, Birmingham.—*Sam. Roden*, Wellington, Shropshire, licensed victualler, Jan. 2 at 11, District Court of Bankruptcy, Birmingham.—*Thos. Thomas*, Ibstock, Leicestershire, draper, Jan. 2 at 12, District Court of Bankruptcy, Birmingham.—*John Rawlinson*, Spalding, Lincolnshire, tailor, Jan. 15 at 12, District Court of Bankruptcy, Nottingham.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before Jan. 1.*

*Thos. Barrett*, Ham-mills, Stroud, Gloucestershire, general wood turner.—*John Caines*, Chilton Cantelo, Somersetshire, corn dealer.—*Hen. Elkington*, Maida-hill East, Middlesex, chemist.—*Jas. Jay Eves*, Redruth, Cornwall, baker.—*Wm. Coulter*, Birkenhead, Cheshire, grocer.—*Wm. Aston*, Lapsley, Staffordshire, maltster.—*Geo. England*, Brimscombe, Minchinhampton, Gloucestershire, clothier.—*Charles Collins*, Kidderminster, Worcestershire, and King William-st. and Adelaide-place, London, commission agent.—*John Evans*, Liverpool, dealer in guano.—*Geo. Grant*, Kidderminster, Worcestershire, tailor.—*Wm. Connell*, Exeter, Devonshire, cabinet maker.—*Wm. Brook*, Manchester, and Goldsmith-st., London, stuff merchant.

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## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Thomas Chalk*, Lewisham, Kent, out of business, Dec. 21 at half-past 2, Court of Bankruptcy, London.—*Chas. York*, Cambridge, assistant to an upholsterer, Dec. 18 at 1, Court of Bankruptcy, London.—*John Edw. Rathbone*, Cumberland-terrace, Camden-town, Middlesex, gentleman, Dec. 18 at 1, Court of Bankruptcy, London.—*Warren Joseph White*, Aston, Middlesex, private tutor, Dec. 18 at half-past 1, Court of Bankruptcy, London.—*Joseph Bobey*, Derwent-street East, Greenwich, Kent, engine driver, Dec. 18 at half-past 1, Court of Bankruptcy, London.—*John Page*, New Church-street, Bermondsey, Surrey, engraver, Dec. 18 at 1, Court of Bankruptcy, London.—*John Scott*, Spring-terrace, Wandsworth-road, Surrey, and Clifford's-inn, London, barrister at law, Dec. 18 at 2, Court of Bankruptcy, London.—*John Bull*, Littlehampton, Sussex, out of business, Dec. 17 at 12, Court of Bankruptcy, London.—*Charles Milton Gorsey*, William-street, Blackfriars, engraver on wood, Dec. 23 at 1, Court of Bankruptcy, London.—*John Farrer*, Curtain-road, Shore-ditch, Middlesex, cabinet manufacturer, Dec. 23 at 11, Court of Bankruptcy, London.—*John Donoghue*, Vere-st., Clerkenwell, Middlesex, carman, Dec. 18 at half-past 1, Court of Bankruptcy, London.—*John Davis*, Smith-street, Stepney, Middlesex, out of business, Dec. 18 at 1, Court of Bankruptcy, London.—*Jas. Charles Vaughan*, Windsor-terrace, City-road, Middlesex, fruit and general merchant, Dec. 18 at 2, Court of Bankruptcy, London.—*Edward Woods*, Charles-

street, Camberwell New-road, Surrey, surveyor, Dec. 31 at 11, Court of Bankruptcy, London.—*James Brewer*, Briton, South Stoneham, Southampton, licensed victualler, Dec. 30 at 11, Court of Bankruptcy, London.—*Robert Amelius Jackson*, Portman-place, Edgeware-road, Middlesex, and Staplehurst, Kent, clerk to a railway company, Dec. 31 at 11, Court of Bankruptcy, London.—*J. Fowler*, Ebenezer-place, Moorlane, Cripplegate Without, London, carpenter, Dec. 23 at 11, Court of Bankruptcy, London.—*Wm. Jarvis*, Thetford, Norfolk, tailor, Dec. 23 at 1, Court of Bankruptcy, London.—*Wm. Augustus Ely*, Berwick-street, Oxford-street, Westminster, Middlesex, painter, Dec. 23 at 11, Court of Bankruptcy, London.—*Wm. Hopkins*, Clarendon-square, Somers'-town, Middlesex, painter, Dec. 23 at 11, Court of Bankruptcy, London.—*Wm. Whicker*, Chichester, Sussex, attorney at law, Dec. 23 at 1, Court of Bankruptcy, London.—*Thomas Hobley*, Hamilton-street, Deptford, Kent, ship joiner, Dec. 23 at 11, Court of Bankruptcy, London.—*Edw. T. Cullen*, Woodford, Essex, out of business, Dec. 23 at 1, Court of Bankruptcy, London.—*Thomas Senior*, Huddersfield, Yorkshire, fancy waistcoat manufacturer, Dec. 22 at 11, District Court of Bankruptcy, Leeds.—*John Shaw*, Midgley, Halifax, Yorkshire, woollen spinner and carder, Dec. 22 at 11, District Court of Bankruptcy, Leeds.—*Cuthbert Landreth*, York, out of business, Dec. 22 at 11, District Court of Bankruptcy, Leeds.—*William Wells*, Leeds, Yorkshire, druggist, Dec. 22 at 11, District Court of Bankruptcy, Leeds.—*John Berke*, Wellington, Shropshire, shoemaker, Dec. 22 at 10, District Court of Bankruptcy, Birmingham.—*Joseph Dutton*, Birmingham, out of business, Dec. 19 at 10, District Court of Bankruptcy, Birmingham.—*Lewis C. de Loude*, Stafford, surgeon dentist, Dec. 22 at 10, District Court of Bankruptcy, Birmingham.—*Wm. Littlewood*, Derby, joiner, Dec. 18 at 12, District Court of Bankruptcy, Birmingham.—*Th. Bedford*, Stapleton, Gloucestershire, out of business, Jan. 5 at 11, District Court of Bankruptcy, Bristol.—*R. Winslowe*, Landaff, Glamorganshire, victualler, Jan. 5 at 11, District Court of Bankruptcy, Bristol.—*George Fowles*, Walcot, Bath, Somersetshire, painter, Dec. 31 at 11, District Court of Bankruptcy, Bristol.—*Francis Elliott*, Peasenhurst, Ashover, Derby, farmer, Dec. 21 at 12, District Court of Bankruptcy, Manchester.—*Edward Keirby*, Clitheroe, Lancashire, saddler, Dec. 22 at 11, District Court of Bankruptcy, Manchester.—*John Wainley*, Blackburn, Lancashire, out of business, Dec. 22 at 12, District Court of Bankruptcy, Manchester.—*Peter Anderson*, Manchester, baker, Dec. 23 at 11, District Court of Bankruptcy, Manchester.—*Thomas Seal*, Cheetham, Lancashire, beer seller, Dec. 21 at 11, District Court of Bankruptcy, Manchester.—*James Dewhurst* and *Roger Dewhurst*, Blackburn, Lancashire, sawyers, Dec. 22 at 12, District Court of Bankruptcy, Manchester.—*Henry Baker*, Tiverton, Devonshire, farmer, Dec. 30 at 11, District Court of Bankruptcy, Exeter.

Wednesday, Dec. 9.

Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—

(On their own Petitions).

*Sam. Ross*, Whitehorse-street, Ratcliff, Middlesex, schoolmaster: in the Debtors Prison for London and Middlesex.—*Robert Watt*, Coleman-street, London, and Cannon-street-road, St. George's East, Middlesex, commission agent: in the Debtors Prison for London and Middlesex.—*Th. Ward*, Albert-street, Shadwell, Middlesex, lodging-house keeper: in the Debtors Prison for London and Middlesex.—*Robt. Wm. Keene*, Havering-street, Commercial-road East, Middlesex, sorter to a cork cutter: in the Gaol of Surrey.—*George Fellhouse*, Dorcas-terrace, Fulham, Middlesex, planter: in the Debtors Prison for London and Middlesex.—*Jas. Spriggins*, Roeman-street, Clerkenwell, Middlesex, bricklayer: in the Debtors Prison for London and Middlesex.—*Joseph Seer*, London-ter., Hackney-road, Middlesex, coffee-house keeper: in the Debtors Prison for London and Middlesex.—*Eneoch Brooker*, Melton Mowbray, Leicestershire, fellmonger: in the Gaol of Leicester.—*Benj. Woodall*, Dudley, Worcestershire, fire iron maker: in the Gaol of Worcester.—*Ch. Pennycud*, Brighton, Sussex, out of business: in the Gaol of Lewes.—*J. Wheatley*, Kingston-upon-Hull, out of business: in the Gaol of Kingston-upon-Hull.—*Dan. Jones*, Gloucester, bricklayer: in the Gaol of Gloucester.—*Cornelius Hobson*, Macclesfield, Cheshire, out of business: in the Gaol of Chester.

The Queen has been pleased to appoint Herbert Townshend Bowen, Esq., to be her Majesty's Solicitor-General for the island of Trinidad.

**MASTER IN CHANCERY.**—The Lord Chancellor has appointed Richard Shaw the younger, of Burnley, Lancashire, Gent., to be a Master Extraordinary in the high Court of Chancery.

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Printed by WALTER M'DOWALL, PRINTER, residing at No. 4, Pemberton Row, Gough Square, in the Parish of St. Bride, in the City of London, at his Printing Office, situate No. 3, Pemberton Row aforesaid; and Published at No. 3, CHANCERY LANE, in the Parish of St. Dunstan in the West, in the City of London, by HENRY SWEET, LAW BOOKSELLER and PUBLISHER, residing at No. 11, John Street, Bedford Row, in the County of Middlesex. Saturday, December 12, 1846.

# The Jurist

No. 519—VOL. X.

DECEMBER 19, 1846.

PRICE 1s.

\* \* The following are the Names of the Gentlemen who favour THE JURIST with Reports of Cases argued and decided in the several Courts of Law and Equity:—

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		Court of Review .....	{ W. W. COOPER, Esq. of the Inner Temple, Barrister at Law.

LONDON, DECEMBER 19, 1846.

THERE are several cases in our reports relative to the admissibility in evidence of the declarations of persons in possession of land explanatory of the character of their possession, the principle of which is sometimes, as we have had occasion to observe, misapprehended, and their application supposed to be less extensive than it really is. Of these, the first in point of time is *Peacock v. Watson*, (4 Taunt. 16, 17), where it was laid down by Mansfield, C. J., that, as possession is *prima facie* evidence of seisin in fee-simple, the declaration of the possessor that he is tenant to another makes most strongly against his own interest, and, consequently, is admissible. Next, in *Doe v. Pettatt*, (5 B. & Ald. 223), it was held, that the declarations of a widow in possession of premises, that she held them for her life, and that after her death they would go to the heirs of her husband, were admissible evidence to negative the fact of her having had twenty years' adverse possession. The widow was dead; but that fact is not alluded to in the judgment, the evidence being treated as admissible to explain the nature of her possession. Further, in *Carme v. Nicholl*, (1 Bing. N. C. 430), it was held, that a witness might be asked as to expressions which had fallen from a deceased occupier of the premises in question, touching the party under whom he held them. And in *Chambers v. Bernasconi*, (1 C. & J. 457), Lord Lyndhurst says, "Possession is *prima facie* evidence of ownership, and a tenant's declaration is evidence as cutting down the fee." Now, in the first three of the above-quoted cases, the person whose declarations were offered in evidence was dead, which circumstance appears to have caused the misapprehension as to the ground of admitting them. Mr. Phillips, in his *Book on Evidence*, (vol. 1, p. 316), classes them amongst the exceptions to hearsay evidence afforded by declara-

tions and entries by deceased persons; having previously (p. 205, note 1) intimated that the case of *Doe v. Pettatt* appeared to belong to that class. "On several cases," he says, "the declarations have been made by tenants, where they have stated that they paid rent to particular persons. In these cases, the declarations have been considered as made against interest, inasmuch as possession is *prima facie* evidence of a seisin in fee, and therefore the declaration of the possessor that he is tenant to another makes against his interest." Now, declarations of deceased persons are admissible where the persons are to be presumed *conusant* of the subject-matter of the declarations, and where the declarations apparently operate against their own interest. It is presumed that such declarations are entitled to credit, because the regard which men pay to their own interests may safely be considered as a sufficient guarantee against their prejudicing themselves by any erroneous statement; and the assumed tendency of the declarations precludes the possibility of any fraudulent one. (Phillips & Amos, 8th ed., p. 306; Greenleaf on Evid., sect. 148; *Sussex Peerage case*, 11 Cl. & Fin. 85). And being admitted simply on the ground of their being against the interest of the party making them, and not being receivable until after his death, it is immaterial whether or not they were made in the performance of a duty, in the course of business, or accompanying an act done. These circumstances are frequently, indeed, found in combination with the fact of the declaration or entry (which is but a written declaration) being against interest, but they are none of them essential to its admissibility on the latter ground; and instances exist of declarations of deceased persons being admitted simply on the ground of their being against the interest of the parties making them. The case in *Higham v. Ridgway*, (10 East, 109), the leading case on the subject, and in many others since decided upon



its authority, but which we need not here particularly refer to. But there are declarations the admission of which does not properly constitute any exception to the rule which rejects hearsay evidence,—declarations which are admitted, not as hearsay evidence of the facts declared, but as being themselves original and independent facts\*.

Now, a declaration, made by a person whilst in possession of land, explanatory of the nature of that possession, is to be admitted as being part of the fact of possession. If made after the possession has ceased, it may be admissible, if against the interest of the party making it at the time of doing so; as a declaration by a person who has quitted possession of land, that he owes another person rent for it, which would be evidence after his death of the fact of his having been a tenant. But, when made during the possession, it is in itself an original and independent fact, forming part of the compound fact of possession; and wherever the simple fact of possession may be proved, the declarations accompanying it, and which, with it, make up the entire possession, may be proved, not as hearsay, but as independent facts; and it may be thus illustrated:—Suppose a person entering upon land, declares at the time that he does so as tenant, it will not be denied that such a declaration is admissible, not as being against his interest, but as forming part of the act of entry, and giving to it its true character. A person may enter upon land for a variety of objects, and under a variety of titles, and we must therefore look to what he says at the time, to ascertain for what object, or under what title, he does so; but the remaining in possession of land is of the same nature. Why does he remain in possession, and under what claim of right? What he says upon this subject must be regarded not as being said against interest, but because the remaining in possession cannot have its true character ascribed to it without doing so†. And it is

on this ground, we apprehend, and not as being made against interest, that declarations by persons in possession of land ought to be admitted. Indeed, it is so put in *Doe v. Pender*, above referred to. And if we are right in this, it follows that the declarations may be proved without calling the person who made them, though he be alive and capable of being produced. In the case of declarations against interest, the party making them must be dead. They are admitted principally upon the presumption of his knowledge of the fact declared, and as the best proof that can be had after his death. If alive and capable of being produced, he must be examined as to his knowledge of the facts declared. But the admissibility of declarations accompanying an act depends upon no such presumption. As the act which they accompany may be proved by those who witnessed it, without calling the person whose act it is, so the declarations may be proved by those who hear them. It does, indeed, generally happen, that the occupier, whose declarations are offered in evidence, is dead; otherwise it would not be necessary to resort to such evidence: but *Doe v. Rickaby* (5 Esp. 4) affords an instance of such evidence being admitted, though the person was alive, and might have been called as a witness.

We might enlarge upon this subject, were it consistent with the scope and design of a leading article; but we have, we trust, said enough to point the attention of our readers to it.

### Reviews.

#### *On the Principles of Criminal Law.*

[William Pickering, 1846.]

This, which is one of a series of brief treatises on various subjects, is a meritorious attempt towards the solution of a problem, the difficulty of which is constantly becoming more acknowledged. The true objects of punishment for offences against the laws of society, are now generally recognised; but what modes of punishment ought to be adopted are still matters of controversy. The author, after pointing out what is the practical working of the present system, proceeds to state in what respects he considers it might be amended to secure the two great objects of punishment—the prevention of crime, and, at the same time, the reformation of the criminal.

With respect to juvenile offenders especially, the punishment of whom, he truly says, is one of the most difficult problems of criminal legislation, he proposes, including in the class all offenders under sixteen years of age, “as a second degree of punishment, deportation from England to a colony, say Canada, where, in asylums properly constituted for that purpose, they might receive education, be taught trades, and, after a time of probation had elapsed, and by their labour they had contributed towards defraying the expense of their maintenance and teaching, might be allowed in that same colony to live free men, supported by their own exertions.”

We abstain from quoting the passages in which the referrible to this principle in all cases where the nature and quality of an act of ownership or deminion, or of the possession, is questioned, and requires explanation; and where the nature and quality of the possession are questioned, and the contemporary declaration of the party doing the act, or of the party in possession, serves to elucidate and explain the nature and quality of such an act or possession.” (Id. 352).

\* The distinction is pointed out in the following passage from the chapter on hearsay evidence in Professor Greenleaf's excellent treatise, (sect. 106): “Before we proceed any further in the discussion of this branch of evidence, it will be proper to distinguish more clearly between hearsay evidence and that which is deemed original; for it does not follow, because the writing or words in question are those of a third person, not under oath, that therefore they are to be considered as hearsay. On the contrary, it happens in many cases that the very fact in controversy is, whether such things were written or spoken, and not whether they were true; and in other cases, such language or statements, whether written or spoken, may be the natural or inseparable concomitants of the principal fact in controversy. In such cases it is obvious that the writings or words are not within the meaning of hearsay, but are original and independent facts, admissible in proof of the issue.”

† “Where a declaration accompanies an act, it is frequently admissible as part of the act itself. Such declarations, it will be seen, are more frequently used as collateral or indirect evidence, from which some other fact is to be inferred, than as direct evidence of a fact; and as such will be afterwards considered. Suffice it to observe, for the present, that declarations are usually admissible where the fact which they accompany is material and admissible, and where the nature and quality of the act are also material; for, in such instances, a declaration accompanying the act may either be regarded as part of the act itself, or as the most proximate and satisfactory evidence for explaining and illustrating the fact.” (Starkie on Evidence, vol. 1, p. 34). “To this head also the admissibility of declarations by tenants has sometimes been referred, and it seems that such declarations are clearly



author points out the advantages which this would have over a similar asylum in England, as we think the whole work deserves to be read, and its length is not such as to deter any one from doing so. Suffice it to say, that, in conjunction with a better system of classification of untried offenders, so as to prevent the juvenile from being corrupted by association with the adult, it offers many advantages over the present system, (Parkhurst included), and seems to tend more towards the attainment of the true objects of punishment. The following concluding passage of the work may be deservedly quoted, explaining, as it does, the sentiments and design of its author:—

"I have now reviewed all the offences of which our law takes cognisance. In many of the punishments alterations have been suggested, which are put forward in the belief that they will bear the two great tests which ought to be applied to all provisions of this nature, i. e. that while they would lead to the prevention of crime, they would at the same time reform the criminal.

"Hitherto, with very rare exceptions, no one has paid any attention to the general condition of offenders against the laws. Some great crime, perhaps, contrasts for a time a morbid interest upon the individual who has committed it; but this is the result of mere curiosity for the most part, which is soon exhausted, and no beneficial result ensues: the subject is, in itself, a distasteful one; no man likes to contemplate the degradation of his species, and the malefactor is, by general consent, put out of remembrance. It is only thus that the system of wholesale transportation, with all its moral evils, could have gone on so long without an attempt at any amendment: year after year thousands of wretches were removed from England to perpetrate the same or worse crimes elsewhere, and the public was satisfied. The Archbishop of Dublin at last laid open its horrors before the Lords, many of whom acknowledged that they were unaware till then of what had been the state of things, and to his efforts must be attributed the present improvement in the system. To a certain degree, therefore, he has been successful, but more—much more—remains to be done."

*A Consideration of the Judgment of the Court of Exchequer, in Reynell v. Lewis and Wyld v. Hopkins, &c. By A BARRISTER of the Middle Temple.*

[Sweet, 1846.]

Towards the settlement of the law affecting the liability of persons promoting schemes for companies, one rule is laid down in the cases above referred to, viz. that the mere relation of co-provisional committee-men does not constitute a partnership or quasi partnership between such persons; and that therefore, to make one of such persons liable for the contracts entered into by another with third persons, there must be something more—acts or circumstances which shew agency, exclusive of the relation of co-provisional committee-men.

It is observed upon this doctrine by the writer of the pamphlet now before us, that the omission, in the judgment in *Reynell v. Lewis and Wyld v. Hopkins*, of all reference to the Act for the Registration of Joint-stock Companies, 7 & 8 Vict. c. 110, is, to say the least, remarkable; and undoubtedly it is remarkable, that, in a judgment upon cases involving proceedings necessarily affected by that act, no notice of its provisions should have occurred.

"It is contended," (says the court, in *Wyld v. Hopkins*, see 10 Jur. p. 973), "(and that formed the chief part of Mr. Martin's argument and a part of that of others) that the relation of co-provisional committee-men constituted an association or a quasi co-partnership,

in which one was agent for the other, for the purposes of all preliminary proceedings necessary to enable them to obtain an act: or that the fact of their being co-promoters of the scheme, coupled with the fact that no money was supplied for the expenses of it, was evidence to go to the jury, that each authorised the other to contract for those purposes, on his behalf and that of the other promoters—it was insisted that where there was no other evidence than the mere fact of the defendant having already agreed to be a provisional committee-man, there was a sufficient case, or at least a case for the consideration of the jury to prove an authority given by the defendant to every other committee-man to give the order, out of which the contract arose, by himself, or by the solicitor or secretary or an authority to such solicitor or secretary to give it on behalf of the committee.

"We think that no such consequence follows as matter of law from the mere fact of the defendant agreeing to be a provisional committee-man—such an agreement amounts to no more than a promise that he would act with other persons appointed or to be appointed for the purpose of carrying some particular scheme into effect: the term "committee" means an individual, or a body to which others have committed or delegated a particular duty, or who have taken on themselves to perform it in the expectation of their acts being confirmed by the body they profess to represent or act for—an agreement to be a committee-man is an agreement to become one of that body. The schemes may be various—to establish an hospital, or place of emigration, to which persons are to subscribe merely for charitable motives; or partly from these motives, partly from others; or a proprietary school, or literary institution, or assembly-room in which they are to be beneficially interested as shareholders—or to obtain an act for a bridge, drainage, railroad or canal: but whatever the objects may be it seems to us to make little or no difference in the position of the person agreeing to act as a committee-man, if the object of some most or all, is gain to themselves *individually*—the legal consequence is the same, as if the object of the parties were the most charitable and benevolent; though the result may be practically very different, in exciting an improper prejudice in the minds of a jury; when the evidence is laid before them for their consideration. Such an intended association constitutes no agreement to share in profit or loss—which is the characteristic of a partnership: it would be absurd to suppose that such a relation could be meant to be created by any of those who consented to act—could it be imagined that a person would agree to be a partner not only with those who were then named committee-men but any that should afterwards be named by themselves, or by the projector of the company, and could those who subsequently agreed to become members, suppose that those previously named could ever have so intended? The truth is the agreement to become a provisional committee-man means neither more nor less, than what the words express: viz. an agreement to act on the provisional committee, in carrying into effect the preliminary arrangements for petitioning Parliament for a bill and so to promote the scheme. If afterwards the provisional committee-man does act, he is responsible for his acts."

Whether this doctrine will be acquiesced in,—whether it is not inconsistent, if not with the natural relation between co-provisional committee-men, at any rate with that parliamentary relation which the language of the 7 & 8 Vict. c. 110, establishes between them, we venture humbly to express a doubt; and that we are not singular in our doubt, appears by the publication of the pamphlet above referred to, in which the author suggests some reasons why the doctrine of *Wyld v. Hopkins* should not be thought conclusive. It can scarcely be disputed, that provisional committee-men

are promoters of an undertaking within the meaning of the 7 & 8 Vict. c. 110. The words of the act are: "The expression 'promoter or promoters of a company' to apply to every person acting, by whatever name, in the forming and establishing of a company at any period prior to the company obtaining a certificate of complete registration." The court, in *Wyld v. Hopkins*, distinguishes between a person merely agreeing to become a provisional committee-man, and acting as a committee-man. But, whatever may be the abstract correctness of that distinction, it is submitted that it does not affect the question, whether a person agreeing to become a committee-man, is or is not a promoter within the meaning of the act. For though the act uses the word "acting," the expression is not acting in committee or in any other particular way, but acting in the forming and establishing a company. Now, as agreeing to become a member of a provisional committee is an act of some sort, and as it seems to us impossible to say that the formation of a committee is not a step in the formation of the company, it follows, that he who agrees to be a member of a provisional committee, does act in forming and establishing a company, and is therefore a promoter of the company.

Next, let us see what is the effect of provisional registration with reference to what is thereby held out to the public. It seems to be assumed by the court, in *Wyld v. Hopkins*, that the effect of a person merely constituting himself a provisional committee-man, is different from that of his holding himself out as such in terms to the public. "But," says the court, in the passage immediately following the one already quoted, "There are other cases, in which the question does not assume so simple a form, and where there is evidence that the defendant has not only consented to be a provisional committee-man, but has authorised his name to be inserted in a prospectus, not generally, but a particular prospectus, in which, in some cases, certain persons are described as the acting committee; in others, solicitors are named, or engineers, or a secretary. If such a prospectus has been so publicly circulated, with the defendant's consent, that the jury would presume the plaintiff knew of it, or if the plaintiff has had it shewn to him, at or before the time of making the contract, and has in either case acted upon it, the question is, what inference ought a reasonable man to draw from the contents of that paper?"

The court, therefore, it would seem, considered, that on proof of the specific circulation of a specific prospectus, it might be left to the jury to presume, and that a jury might presume, that the plaintiff had notice of the facts appearing by such prospectus. Now, let us consider what is the effect, for the purpose of publication, of provisional registration, and its consequences.

The return to be made under the 4th clause of the act, before publication, by any prospectus or otherwise, of the intention to form a company, is of the names of the promoters, with their occupations, places of business, and residences; and after or before such publication of "the names of the members of the committee or other body acting in the formation of the company, together with a written consent on the part of every such member or promoter to become such; and also a written agreement, on the part of such member or promoter, entered into with some one or more persons as trustees for the said company, to take one or more shares in the proposed undertaking, which must be signed by the member or promoter whose agreement it purports to be." And, by the 18th clause, all these returns are open to public inspection. The effect of this is, we apprehend, both in point of law and in point of common sense, that all persons dealing with a provisional committee have notice of the constitution of that committee. No other object scarcely of the right of inspection can be conceived; and it seems strange to

say, that persons forming members of a body who put their names in a return which they know is to be open for inspection, can do so with any other view, or can at any rate pretend that they do not view as a probable consequence, that their names will be looked to and relied upon by those who deal with the body of which they constitute individual parts. Documents inrolled, and which any person has a right to inspect on payment of a fee, are, we believe, considered as published in point of law; as, for instance, an invention described in a specification duly inrolled, is published, so as to avoid a patent afterwards taken for it; not because it is the subject of the patent to which the particular specification refers, (for it may happen that it is not included in the patent), but because any person may inspect the specification; and therefore the public has notice of its contents. We apprehend, then, that, by force of the provisional registration, the promoters of a company do hold out to the public, as much as if they circulated a specific prospectus, the facts contained in the return, that is, at least, that they are promoters. Next comes the question, whether, as promoters, they are intended by the 7 & 8 Vict. c. 110 to be partners, or at least to be quasi partners, for the purpose of being jointly liable; for we fully subscribe to what is said by the court in *Wyld v. Hopkins*, that, "if the prospectus state merely the names of the provisional committee, and nothing more, and no right can be derived from the context, that circumstance does not alter the liability of the defendant. If not responsible as being one of that committee in fact, he cannot become so by the representation of the fact." But the question, not, as it would seem, adverted to by the court in this important judgment, is, whether, by the fact of being a provisional committee-man, viz. a promoter, a person is not, by force of the 7 & 8 Vict. c. 110, (whatever he might be de hors that act), a partner with his co-provisional committee-men? And we shall refer to a clause of the statute, the language of which seems to us to be scarcely intelligible, unless the Legislature intended to treat the promoters of a company as partners, or, at least, as jointly liable. We do not lay much stress on the circumstance, that the promoters are generally spoken of in the plural—not every promoter severally, but the promoters jointly; though, perhaps, even that circumstance is not without its weight. But when we come to the 23rd clause of the act, which defines the powers and privileges of companies on provisional registration, we find it enacted, that it shall be lawful for the promoters, among other things, to open subscription lists, to allot shares, to receive deposits, to perform such other acts only as are necessary for constituting the company, or for obtaining letters-patent, or a charter, or an act of Parliament; and, with regard to railway undertakings, and the like, to enter into contracts for services in making surveys, and performing all other acts necessary for obtaining an act of incorporation, &c.

Now, is it intended by this section that each promoter shall be at liberty to do the several things mentioned on his own sole responsibility; or is it intended that the promoters, as a body, may do them? The former can hardly be the intention; for, to enable each promoter respectively to render himself liable, it would not have been necessary for the statute to have spoken at all. He might have done so in the absence of any enactment; and so might all the promoters together, if, on every occasion of doing any act, they all concurred in the act. The enactment of the 23rd section is therefore surplusage, unless it meant to give to the promoters as a body some other characters and some other powers than those of a set of individuals capable each separately of binding himself; and, unless it meant to give to them the character of persons jointly liable, and capable severally of binding the body, it was entirely unneces-

sary, and can be held to have meant nothing. We conclude, that, by the 23rd section of the 7 & 8 Vict. c. 110, it was intended that the promoters of a company should be capable of doing the acts specified as a body, after the manner of partners, and that therefore they are quasi partners, for the purpose at least of binding the body by the acts of any member of it, done consistently with the enactment. In aid of this construction may be pressed the first declaration of the section, that the promoters may assume the name of the intended company. It would be singular to enable several persons to call themselves a company,—that is, a partnership,—and yet, at the same time, to say, that they are not to have the qualities and liabilities of a partnership.

The writer whose pamphlet has suggested these inquiries, taking the same general views that we have here offered, urges further, in support of them, the intention of the statute, as it is to be collected from the expressed intentions of its framers, in reference to the report of the committee on joint-stock companies. In this argument we cannot agree with him. The intention of the statute must be collected from its own language; what the report of the committee on which it is founded may have said, or thought, or done, is quite inadmissible as evidence to expound the statute. This pamphlet contains, however, other arguments of some force, in favour of considering provisional committee-men as quasi partners, independently of the statute; and, referring our readers to a perusal of it for these and other arguments in opposition to the doctrine lately laid down by the Court of Exchequer, we shall, for the present, conclude our observations on the liabilities of provisional committee-men.

C. S. D.

### COURT OF QUEEN'S BENCH.

*Dec. 17.*—Lord Denman, C. J., delivered the judgment of the court in the following cases:—

*Reg. v. The Inhabitants of St. Paul, Covent-garden*—Order of sessions confirmed.

*Reg. v. The Commissioners of Sewers*—Rule discharged, with costs.

*Reg. v. Gompertz*—Rule for arresting judgment discharged; rule for new trial absolute.

*Doe d. Pennington v. Barrett*—Rule discharged.

*Black v. The Bishop of Norwich*—Rule discharged, with costs.

*Ford v. Beech*—Rule absolute to enter verdict for plaintiff on the plea of set-off.

*Bolam v. Shaw*—Rule for setting aside verdict on second count discharged.

*Murieta v. Oldfield*—Rule discharged.

Patteson, J., delivered judgment in

*Bushell v. Board*—Rule discharged, with costs.

### London Gazettes.

TUESDAY, DECEMBER 15.

#### BANKRUPTS.

**JOHN CROSS HUMBY**, Blackfriars-road, Surrey, and Northampton, boot and shoe manufacturer, Dec. 23 at half-past 1, and Jan. 29 at 11, Court of Bankruptcy, London: Off. Ass. Cannan; Sol. Archer, 15, Wine-office-court, Fleet-street.—Fiat dated Nov. 7.

**WILLIAM THOMAS GOODING**, Old Brentford, Middlesex, glass cutter, dealer and chapman, Dec. 22 at half-past 2, and Jan. 26 at 12, Court of Bankruptcy, London: Off. Ass. Belcher; Sols. Watson & Sons, 12, Bouverie-st., Fleet-street.—Fiat dated Dec. 5.

**WILLIAM HUNTER**, Gray's-inn-lane, Middlesex, coach manufacturer, Dec. 22 at half-past 12, and Jan. 21 at 11, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Philipps, 4, Sise-lane, City.—Fiat dated Dec. 10.

**HENRY TATTERSALL**, Globe Brewery, New Wharf-road, Battlebridge, Middlesex, common brewer, dealer and chapman, (lately carrying on business as a coachmaker at Cardington-st., Hampstead-road, Middlesex), Dec. 26 at 11, and Jan. 30 at 1, Court of Bankruptcy, London: Off. Ass. Green; Sol. Wilson, Aldermanbury.—Fiat dated Dec. 12.

**THOMAS TAYLOR**, Headbourne Worthy, Southampton, blacksmith and coal merchant, dealer and chapman, Dec. 23 and Jan. 21 at half-past 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Buchanan, Basinghall-street.—Fiat dated Dec. 11.

**WILLIAM TOMS** and **JOHN MATTHEWS**, Hungerford, Berkshire, brewers, dealers and chapmen, Dec. 24 at 2, and Jan. 28 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Bishop, Lincoln's-inn-fields, London.—Fiat dated Dec. 5.

**JOHN NEWBY**, Leicester, haberdasher, dealer and chapman, Jan. 1 and 29 at half-past 11, District Court of Bankruptcy, Nottingham: Off. Ass. Bittleston; Sols. Smith, Birmingham; Hoskins, Loughborough; Holme & Co., New-inn, London.—Fiat dated Dec. 8.

**HENRY PEERS**, Birkenhead, Cheshire, stonemason and builder, Jan. 1 and 19 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Atkinson, Liverpool; Vincent, Temple, London.—Fiat dated Dec. 10.

**WILLIAM JONES**, Liverpool, boiler maker, iron boat builder, blacksmith, dealer and chapman, Jan. 1 and 19 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Almond, Liverpool; Bridger & Blake, London-wall, London.—Fiat dated Dec. 9.

**FREDERICK WILLIAM FARLEY**, Liverpool, hatter, dealer and chapman, Dec. 31 and Jan. 15 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Sols. Hetherington & Co., Liverpool; Keightley & Co., Chancery-lane, London.—Fiat dated Dec. 9.

**JAMES SUTCLIFFE**, Habergham Eaves, near Burnley, Whalley, Lancashire, cotton spinner, dealer and chapman, Jan. 4 and 20 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Hisson & Robinson, Manchester; Shaw & Artindale, Burnley; Scott & Tahourdin, Lincoln's-inn-fields, London.—Fiat dated Dec. 8.

**RICHARD WHITE**, Thornes-cloze, and Sunderland, Durham, merchant, Dec. 30 at 12, and Feb. 8 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Young & Harrison, Sunderland; Maples & Co., 6, Frederick's-place, Old Jewry, London.—Fiat dated Dec. 3.

#### MEETINGS.

*Robert Francis Barber*, Bishopsgate-street Without, London, licensed victualler, Jan. 8 at half-past 11, Court of Bankruptcy, London, and. ac.—*Nathaniel Levy*, Butcher-row, Aldgate, London, carcass butcher, Jan. 8 at half-past 12, Court of Bankruptcy, London, and. ac.—*Joseph Wood*, Luton, Bedfordshire, plumber, Jan. 8 at 1, Court of Bankruptcy, London, and. ac.—*Wm. Joy*, Tonbridge, Kent, plumber, Jan. 8 at half-past 1, Court of Bankruptcy, London, and. ac.—*Isaac Bird*, Harrow-on-the-Hill, Middlesex, grocer, Jan. 8 at 2, Court of Bankruptcy, London, and. ac.—*John Kirkup*, Providence Coal-wharf, Rotherhithe, Surrey, coal merchant, Jan. 8 at 11, Court of Bankruptcy, London, and. ac.—*Rich. Mareden*, Brynmawr, Brecknockshire, linendraper, Jan. 12 at 11, District Court of Bankruptcy, Bristol, and. ac.; Jan. 14 at 11, div.—*Daniel Wade Acraman*, *William Edward Acraman*, *Alfred John Acraman*, *William Morgan*, *Thomas Holroyd*, and *Jas. Norraway Frankslyn*, Bristol, ship builders, Jan. 15 at 11, District Court of Bankruptcy, Bristol, and. ac.; Jan. 19 at 12, div.—*Charles Caldwell* and *Thomas Smyth*, Liverpool, and *John Forbes* and *Daniel Gregory*, London, bankers, Jan. 5 at 12, District Court of Bankruptcy, Liverpool, and. ac.—*J. S. Deistrey* and *John Ryle*, Manchester, bankers, Jan. 7 at 12, District Court of Bankruptcy, Manchester, and. ac.; Jan. 8 at 12, div. sep. est. *J. Ryle*—*J. Taylor*, Higher Walton, Cheshire, farmer, Jan. 7 at 12, District Court of Bankruptcy, Manchester, and. ac.; Jan. 8 at 12, div.—*J. Cornish*, Bridport, Dorsetshire, painter, Jan. 19 at 11, District Court of Bankruptcy, Exeter, and. ac.; Jan. 20 at 11, div.—*Robert Ludgate Harness*, Dulverton, Somersetshire, spirit dealer, Jan. 19 at 11, District Court of Bankruptcy, Exeter, and. ac.; Jan. 20 at 11, div.—*John Commins*, Weymouth, Dorsetshire, bookseller, Jan. 19 at 11, District Court

of Bankruptcy, Exeter, and. ac.; Jan. 26 at 11, div.—*Saml. Reading*, Birmingham, hook and eye manufacturer, Jan. 26 at 12, District Court of Bankruptcy, Birmingham, and. ac.; Jan. 30 at 12, div.—*Wm. Thomas*, Leamington-priors, Warwickshire, builder, Jan. 19 at 11, District Court of Bankruptcy, Birmingham, and. ac.—*Charles F. Cerna* and *Maurice Telo*, Liverpool, merchants, Jan. 5 at 12, District Court of Bankruptcy, Liverpool, and. ac.—*Charles Sugars*, Carey-street, Lincoln's-inn-fields, Middlesex, coal merchant, Jan. 7 at half-past 11, Court of Bankruptcy, London, div.—*John Sutherland*, Liverpool, copper-smith, Jan. 5 at 12, District Court of Bankruptcy, Liverpool, div.—*Maurice Seery*, Swndwr, near Northop, Flintshire, maltster, Jan. 5 at 12, District Court of Bankruptcy, Liverpool, div.—*Richard Foster Breed* and *Wm. Eccleston*, Liverpool, merchants, Jan. 5 at 12, District Court of Bankruptcy, Liverpool, div. sep. est. R. F. Breed.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Francis Holmes*, Southtown, Suffolk, ship builder, Jan. 8 at 2, Court of Bankruptcy, London.—*Geo. Swaine Whitechurch*, Fleet-street, London, hosier, Jan. 8 at half-past 1, Court of Bankruptcy, London.—*John Ditchman*, Thurlow-place, Hackney-road, Middlesex, builder, Jan. 12 at 11, Court of Bankruptcy, London.—*Wm. Bunday*, Stamford-cottages, Stamford-bridge, Fulham-road, Middlesex, builder, Jan. 5 at half-past 12, Court of Bankruptcy, London.—*John Burton*, Liverpool, auctioneer, Jan. 8 at 11, District Court of Bankruptcy, Liverpool.—*Joe. Pidwell*, Market Strand, Falmouth, Cornwall, general furnishing ironmonger, Jan. 13 at 11, District Court of Bankruptcy, Exeter.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Jan. 5.*

*Wm. Monk* the younger, Nottingham, carrier.—*William Beamer*, West Derby, Lancashire, joiner.—*John Robt. Pease*, Ingram-court, Fenchurch-street, and Lime-street, London, wine merchant.—*Wm. Baber*, Manchester and Salford, Lancashire, plasterer.—*James Bird*, Club-row, Bethnal-green, Middlesex, timber merchant.—*Christopher Wakefield*, Hampton Wick, Middlesex, licensed victualler.—*John Brooks*, Glastonbury, Somersetshire, carrier.—*John C. Edwards*, Conduit-street, Hanover-square, Middlesex, bill broker.

#### SECTOR SEQUESTRATIONS.

*Andrew Robert Wilson*, Glasgow, tailor.—*Daniel Fisher*, Edinburgh, writer.—*George Inglis*, Craigercock, near Edinburgh, horse dealer.

#### INSOLVENT DEBTORS.

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Charles Jubilee Stebbing*, Heath-place, Cambridge-heath, Bethnal-green, Middlesex, carpenter, Dec. 22 at half-past 11, Court of Bankruptcy, London.—*Wm. Antonio Rocher*, Clarence-place, Middleton-road, Dalston, Middlesex, secretary to the London and Dublin Railway Company, Dec. 22 at 1, Court of Bankruptcy, London.—*D. Edwards*, High-street, Hoxton Old-town, Shoreditch, Middlesex, dyer, Dec. 22 at 12, Court of Bankruptcy, London.—*Wm. Robinson*, Queen-street, Tower-hill, Aldgate, Middlesex, baker, Dec. 19 at half-past 1, Court of Bankruptcy, London.—*Richard Ford*, College-street, Chelsea, Middlesex, messenger and chapel clerk, Dec. 19 at 2, Court of Bankruptcy, London.—*George John Moor*, Church-street, Greenwich, Kent, out of business, Dec. 19 at 2, Court of Bankruptcy, London.—*H. Bacon*, George-street, Hanover-square, Middlesex, wine merchant, Dec. 19 at 1, Court of Bankruptcy, London.—*J. Hendy Holloway*, Clifford's-inn, Fleet-street, London, attorney at law, Dec. 22 at half-past 1, Court of Bankruptcy, London.—*Robt. Piper*, Goring, near Worthing, dealer in tea, Dec. 22 at half-past 11, Court of Bankruptcy, London.—*Saml. Henriques Valentine*, Tysmen-place, Kingsland-road, Shoreditch, Middlesex, dealer in drugs, Dec. 22 at 1, Court of Bankruptcy, London.—*H. Fisher*, Air-street, Piccadilly, Middlesex, plumber, Dec. 22 at half-past 1, Court of Bankruptcy, London.—*Augustus Sene Levy*, Oxford-street, Middlesex, fruit salesman and commission agent, Dec. 22 at 11, Court of Bankruptcy, London.—*James Wray*, Newington-cumseyway, Surrey, straw hat manufacturer, Dec. 19 at half-past 2, Court of Bankruptcy, London.—*Matt. A. W. Jones*, Porteous-road, Paddington, Mid-

sex, clerk in the Great Western Railway Company's Office, Dec. 22 at 12, Court of Bankruptcy, London.—*Jonathan T. Clark*, Tottenham, Middlesex, carpenter, Dec. 19 at 2, Court of Bankruptcy, London.—*Job Mead*, Oxford-street and Sebright-pl., Hackney-road, Middlesex, working brazier, Dec. 19 at half-past 1, Court of Bankruptcy, London.—*William Everett*, Bermondsey-street, Southwark, Surrey, wool sorter, Dec. 24 at 11, Court of Bankruptcy, London.—*Sam. Pettitt*, Brighton, Sussex, beer-shop keeper, Dec. 19 at 1, Court of Bankruptcy, London.—*Wm. O. Pepper*, Middlesex-street, Aldgate, London, grocer, Dec. 21 at 2, Court of Bankruptcy, London.—*Wm. Burgess*, Church-place, Kensal-green, Chelsea, Middlesex, baker, Dec. 21 at half-past 1, Court of Bankruptcy, London.—*Heyward J. St. Leger*, Great Portland-street, Oxford-st., Middlesex, author, Dec. 21 at 1, Court of Bankruptcy, London.—*John M. Brace*, Broad-meadow, Cliford, Herefordshire, out of business, Dec. 22 at 11, District Court of Bankruptcy, Birmingham.—*Edw. Parslow*, Wyle Cop, Shrewsbury, Shropshire, hair dresser, Dec. 22 at 11, District Court of Bankruptcy, Birmingham.—*Sam. Peake*, Kingston-upon-Hull, book-keeper, Dec. 23 at 10, Town-hall, Kingston-upon-Hull.—*Frank B. Wall*, Bedminster, Bristol, surgeon, Jan. 8 at 11, District Court of Bankruptcy, Bristol.—*John A. Moss*, Edgbaston, Warwickshire, estate agent, Jan. 20 at 12, District Court of Bankruptcy, Birmingham.—*Robert Edwards*, Asholt, Somersetshire, out of business, Dec. 23 at 11, District Court of Bankruptcy, Exeter.

*Saturday, Dec. 12.*

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*Christ. Iberson*, Newcastle-upon-Tyne, book-keeper, No. 67,360 C.; *John K. Hooper*, assignee.—*James Shorroch* the younger, Blackburn, Lancashire, agent for the sale of coals, No. 67,785 C.; *Jas. Bell*, assignee.

*Saturday, Dec. 12.*

*Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Francis Wall*, Stockwell-place, Stockwell, Surrey, commission agent: in the Queen's Prison.—*John Dyer*, Wenlock-street, City-road, Middlesex, not in any business: in the Debtors Prison for London and Middlesex.—*James Wyle*, Parkfield-st., Liverpool-road, Middlesex, commission agent: in the Debtors Prison for London and Middlesex.—*James E. Hayman*, Ward-st., Princes-road, Lambeth, Surrey, assistant to a corn dealer: in the Gaol of Surrey.—*Edward Morgan*, Homer-st., Mary-le-bone, Middlesex, out of business: in the Queen's Prison.—*Rich. Atkinson* the younger, Murray-st., Hoxton, Middlesex, commercial traveller: in the Debtors Prison for London and Middlesex.—*Wm. Barr*, Nassau-st., Middlesex Hospital, Middlesex, bricklayer: in the Debtors Prison for London and Middlesex.—*Wm. Boulter*, Pocock's-fields, near Liverpool-road, Islington, Middlesex, wheelwright: in the Queen's Prison.—*John B. Kirk*, Stanley, near Liverpool, agent: in the Gaol of Lancaster.—*James L. Brainer*, Flushing, Maylor, near Falmouth, Cornwall, lieutenant in the Royal Marines on half-pay: in the Gaol of Bodmin.

#### INSOLVENT DEBTOR'S MEETING.

*Henry Somerset*, Marlborough, Wiltshire, corn dealer, Jan. 2 at 11, Castle and Ball Inn, Marlborough, sp. aff.

**FRIDAY, DEC. 18.**

#### BANKRUPTS.

**CHARLES ROBERT SAUERBREY**, Fenchurch-street, London, and York-grove, Peckham-lane, Camberwell, Surrey, ship broker, shipowner, dealer and chapman, Dec. 22 at half-past 10, and Jan. 26 at 1, Court of Bankruptcy, London: Off. Ass. Belcher; Solrs. J. and T. Gole, Lime-street, City.—Fiat dated Dec. 15.

**THOMAS TAPPENDEN**, Friendly-place, Old Kent-road, Surrey, tailor, Dec. 26 at 12, and Feb. 6 at 11, Court of Bankruptcy, London: Off. Ass. Follett; Solrs. Walsh & Thomson, 68, Lincoln's-inn-fields.—Fiat dated Dec. 9.

**HENRY FARMAN**, Pulham St. Mary Magdalen, Norfolk, baker, Jan. 12 at 2, and Feb. 12 at 11, Court of Bankruptcy, London: Off. Ass. Groom; Solrs. Miller & Sons, Norwich: Abbott & Wheatley, Ralls-yard, Chancery-lane.—Fiat dated Dec. 7.

**JAMES DIXON**, Providence-place, Willow-walk, and Spa-road, Bermondsey, Surrey, millwright and engineer, dealer and chapman, Jan. 5 at 11, and Jan. 26 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Holmer & Son, Bridge-street, Southwark.—Fiat dated Dec. 11.

**GEORGE COMBES BIGNELL**, Leeds, Yorkshire, stock dealer, dealer and chapman, Jan. 6 and Feb. 2 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Naylor, Leeds; Sudlow & Co., Chancery-lane, London.—Fiat dated Dec. 12.

**HENRY BROOK**, Longley, near Holmfirth, Yorkshire, clothier, dealer and chapman, Dec. 28 and Jan. 26 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Broadbent, Sheffield; Tattershall, Great James-street, Bedford-row, London.—Fiat dated Dec. 8.

**DAVID REES**, Swansea, Glamorganshire, grocer and shopkeeper, Dec. 31 at 12, and Jan. 29 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sols. Franklin, Bristol; Smith & Son, Southampton-street, Bloomsbury.—Fiat dated Dec. 9.

**JOHN NEWBY**, Leicester, haberdasher, dealer and chapman, Jan. 1 and 29 at 12, District Court of Bankruptcy, Nottingham: Off. Ass. Bithelston; Sol. Hoskins, Loughborough.—Fiat dated Dec. 8.

**EDWARD THOMAS BRADSHAW**, Manchester, stock and share broker, Jan. 4 and 26 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Bagshaw & Co., Manchester; Johnson & Co., Temple, London.—Fiat dated Dec. 16.

**ISAAC SHARLAND the younger**, Bath, tailor and woollen draper, dealer and chapman, Jan. 5 and Feb. 5 at 12, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sol. Mansford, Bath.—Fiat dated Dec. 16.

**WILLIAM SMITH DORSETT**, West Bromwich, Staffordshire, iron dealer, dealer and chapman, Dec. 30 and Jan. 20 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sol. Hiern, Stafford; James, Birmingham.—Fiat dated Nov. 20.

#### MEETINGS.

**Frederick Brains**, Thomas-st., Stamford-st., Blackfriars, Surrey, ivory cutter, Dec. 30 at half-past 1, Court of Bankruptcy, London, last ex.—**W. Perry**, Wolverhampton, Staffordshire, ironfounder, Jan. 16 at 11, District Court of Bankruptcy, Birmingham, last ex.—**Thos. Cooke**, Bridge-terrace, Harrow-road, Paddington, Middlesex, plasterer, Jan. 9 at 11, Court of Bankruptcy, London, aud. ac.—**William Ludlam Ollard**, Upwell, Cambridgeshire, auctioneer, Jan. 9 at 2, Court of Bankruptcy, London, and ac.—**John Wm. Stratton**, March, Isle of Ely, Cambridgeshire, tailor, Jan. 9 at half-past 1, Court of Bankruptcy, London, and ac.—**John Ollender**, Sunderland, Durham, ironmonger, Jan. 12 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.—**Robert Cross**, Newcastle-upon-Tyne, draper, Jan. 8 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.—**John Bird**, North Shields, Northumberland, linendraper, Jan. 12 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.—**Jas. Riding** and **Jas. Fielding**, Leyland, Lancashire, cotton manufacturers, Jan. 14 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Jan. 15 at 2, div.—**John Senior**, Salford, Lancashire, common brewer, Jan. 14 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Jan. 28 at 11, div.—**J. G. Schott**, Manchester, and **Casper Lavater**, Aldermanbury Postern, London, merchants, Jan. 11 at 12, District Court of Bankruptcy, Manchester, and ac.; Jan. 12 at 12, div.—**F. Bird**, Harrow-on-the-Hill, Middlesex, grocer, Jan. 9 at half-past 12, Court of Bankruptcy, London, div.—**Wm. Joy**, Tonbridge, Kent, plumber, Jan. 9 at 12, Court of Bankruptcy, London, div.—**Edward Swedell**, Kingston-upon-Hull, dealer in toys, Jan. 9 at half-past 11, Court of Bankruptcy, London, div.—**Alex. Yeaton** and **Aubrey Lam**, Fore-st., London, chemists, Jan. 9 at 11, Court of Bankruptcy, London, fin. div. sep. est. of **A. Yeaton**.—**Richard Bowerman** and **Geo. Bowerman**, Enam, Oxfordshire, carriers, Jan. 8 at 1, Court of Bankruptcy, London, fin. div. sep. est. of **Rich. Bowerman**.—**Richard alter**, Coventry, ribbon manufacturer, and Wood-street, Leapside, London, warehouseman, Jan. 8 at half-past 11, Court of Bankruptcy, London, fin. div.—**Edward Whitmore**, Wells, J. Wells the younger, and **F. Whitmore**, Lombard, London, bankers, Jan. 8 at 11, Court of Bankruptcy, London, div.—**Thos. Benson**, North-pole, Gray's-inn-road, and

**Gray's-inn-lane**, Middlesex, stationer, Jan. 8 at half-past 1, Court of Bankruptcy, London, div.—**Michael Oliver**, Langtown, Cumberland, innkeeper, Jan. 12 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on the Day of Meeting.*

**Geo. Fred. Town Fowler**, Lillington-st., Pimlico, Middlesex, printer, Jan. 12 at 2, Court of Bankruptcy, London.—**Wm. Wells** and **John Clarion**, Bankside, Southwark, Surrey, coal merchants, Jan. 13 at 12, Court of Bankruptcy, London.—**Leopold Anton Victor Rudolphi**, Sunderland, Durham, general merchant, Jan. 8 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne.—**Wm. Chambers**, Southwick, Durham, shipwright, Jan. 12 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne.—**Jas. Stout**, Liverpool, bootmaker, Jan. 11 at 11, District Court of Bankruptcy, Liverpool.—**C. H. Purnell**, Liverpool, coal merchant, Jan. 11 at 11, District Court of Bankruptcy, Liverpool.—**Thos. Sedman**, Coventry, Warwickshire, victualler, Jan. 9 at 11, District Court of Bankruptcy, Birmingham.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Jan. 8.*

**John Cramp**, Garlinge, Kent, cowkeeper.—**John Hatcher**, Poole, butcher.—**Jas. Hannan**, Little Britain, London, tallow merchant.—**Henry Woodthorpe**, Aveley, Essex, grocer.—**E. Carrey Sothorn**, Eastham, Cheshire, coal dealer.—**Thomas Cooper**, New Bond-st., Middlesex, umbrella manufacturer.—**Christ. Cartisle Clancey**, Chorlton-upon-Medlock, Lancashire, saddler.—**Jos. Wilcox**, Little Ball-alley, Moorgate-st., London, tailor.—**Geo. Kidman**, Long-alley, Worship-street, Middlesex, victualler.—**Jas. Walker the younger**, Wortley, Leeds, Yorkshire, woollen-cloth manufacturer.—**Isaac Samson**, Coventry, ribbon manufacturer.—**William Aburrow**, Liverpool, druggist.

#### PARTNERSHIP DISSOLVED.

**Ed. Parker**, **Thomas Molley Weddall**, and **Robert John Parker**, Selby, Yorkshire, attorneys at law, solicitors, and money scriveners.

#### SCOTCH SEQUESTRATIONS.

**James Scarth**, Glasgow, broker.—**James Robertson & Co.**, Glasgow and London, iron merchants.—**John Reavey**, Walsicetown, Ayr, merchant.—**Alex. Simpson**, Esq., Navty, Cromarty, deceased.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

**Chas. Thomas**, Cold Harbour-lane, Camberwell, Surrey, linendraper, Jan. 14 at 2, Court of Bankruptcy, London.—**Henry Albert Tenner**, Chatham, Kent, clerk to the paymaster of the East India Depot, Jan. 14 at 11, Court of Bankruptcy, London.—**Chichester Fortescue Bates**, Upper Ebury-st., Pimlico, Middlesex, artist, Jan. 14 at 11, Court of Bankruptcy, London.—**Matthew Francis**, North Shields, Northumberland, lodging-house keeper, Jan. 8 at half-past 10, District Court of Bankruptcy, Newcastle-upon-Tyne.—**Jas. Wright**, Little Horton, near Bradford, Yorkshire, butcher, Dec. 23 at 11, District Court of Bankruptcy, Leeds.—**Ann Langdon**, Knottingley, near Pontefract, Yorkshire, schoolmistress, Dec. 23 at 11, District Court of Bankruptcy, Leeds.

Wednesday, Dec. 16.

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

**Richard Martin**, Wandsworth-road, Nine Elms, Surrey, out of business: in the Queen's Prison.—**John Jones**, Peter's-lane, St. John-street, Middlesex, tailor: in the Debtors Prison for London and Middlesex.—**Andrew Bruce**, Allan-st., Cross-st., Islington, Middlesex, stonemason: in the Debtors Prison for London and Middlesex.—**Thos. Cheverton**, John-street, Tottenham-court-road, Middlesex, grocer: in the Queen's Prison.—**Richard Pryce**, Strand, Middlesex, shell fishmonger: in the Debtors Prison for London and Middlesex.—**Joseph Mould**, Goswell-street, Middlesex, and Cophtham-chambers, Throgmorton-street, London, accountant: in the Debtors Prison for London and Middlesex.—**John F. Trigg**, Salem-gardens, Moosow-road, Baywater, Middlesex, shop-

up to a corn dealer: in the Debtors Prison for London and Middlesex.—*Thomas Davis*, Louisa-street, Beaumont-square, Stepney, Middlesex, labourer: in the Debtors Prison for London and Middlesex.—*David Livingston*, Duke-street, Tooley-street, Southwark, Surrey, biscuit baker: in the Gaol of Surrey.—*James Barnett* the younger, Hillingdon, near Cowley, near Uxbridge, Middlesex, hurdle maker: in the Debtors Prison for London and Middlesex.—*Samuel George*, Lizard-street, Bartholomew-square, Middlesex, not following any trade: in the Debtors Prison for London and Middlesex.—*Hugh Rattenbury*, Exeter, labourer: in the Gaol of Exeter.—*Richard Jackson*, Hucknall Forthard, Nottinghamshire, blacksmith: in the Gaol of Nottingham.—*Lawrence Byre*, Dalby Rectory, near Terrington, Yorkshire, clerk: in York Castle.—*Wm. Hallam*, Birmingham, assistant at a boot and shoe shop: in the Gaol of Coventry.

The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Friday, Jan. 1, at 9.

*John Beeching*, Park-row, Clapham, Surrey, baker.—*T. Lovelock*, Vale-place, Fammersmith-road, Middlesex, ostler.—*Richard Bosall*, Cirencester-place, Fitzroy-square, Middlesex, coach painter.—*Fred. Wm. Lee*, Southampton-buildings, Holborn, tailor.

Jan. 2, at the same hour and place.

*Robert Peters*, Hereford-place, Commercial-road East, Middlesex, out of business.—*Thomas Pimlott*, Oxford-street, Middlesex, wholesale furrier.—*John Rowley*, Roseville-cottage, New Church-road, Camberwell, Surrey, manager to a bookbinder.—*Th. Jones*, High-street, Shadwell, Middlesex, outfitter.—*Wm. C. Lloyd*, Chandos-street, West Strand, Middlesex, out of business.—*Wm. Saml. Parches*, Upper Seymour-street, Euston-square, Middlesex, out of business.—*Charles Purches*, Perry's-terrace, Somers'-town, Middlesex, out of business.

**MASTERS IN CHANCERY.**—The Lord Chancellor has appointed the following gentlemen Masters Extraordinary in the high Court of Chancery:—*Benjamin Brock* the younger, of Carmarthen; *William John Cowper*, of Newbury, Berkshire; *Joseph Brodribb Sherring* the younger, of Bristol; *Frederick Baker*, of Derby.

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Printed by WALTER M'DOWALL, PRINTER, residing at No. 4, Pemberton Row, Gough Square, in the Parish of St. Bride, in the City of London, at his Printing Office, situated at No. 5, Pemberton Row aforesaid; and Published at No. 3, CHANCERY LANE, in the Parish of St. Dunstan in the West, in the City of London, by HENRY SWEET, LAW BOOKSELLER and PUBLISHER, residing at No. 11, John Street, Bedford Row, in the County of Middlesex. Saturday, December 10, 1846.

# The Jurist

No. 520—VOL. X.

DECEMBER 26, 1846.

PRICE 1s.

\* \* The following are the Names of the Gentlemen who favour THE JURIST with Reports of Cases argued and decided in the several Courts of Law and Equity:—

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		Court of Review .....	{ W. W. COOPER, Esq. of the Inner Temple, Barrister at Law.

LONDON, DECEMBER 26, 1846.

By an extract from the Gazette of the 22nd of this month, printed in another part of THE JURIST, it will be seen that Her Majesty has issued a notice, pursuant to the 9 & 10 Vict. c. 95, (the County Courts Act), of her intention to take into consideration the propriety of making orders for the purposes of the said act, and for putting the said act into execution in every county throughout England and Wales. The section of the act under which notices such as that just issued are to be given, is in the following words:—"Be it enacted, that any order in council, made for the purposes of this act, shall be published in the London Gazette, and notice of the intention of Her Majesty to take into consideration the propriety of making any such order shall be published in the London Gazette one calendar month at least before any such order can be made."

On this Mr. Moseley, in his Treatise on the Law of the New County Courts, (p. 5), makes the following observations:—"Among other forms prescribed by the statute to be observed in the formation of the new county courts, is that by the 8th section, by which a month's notice is to be given in the London Gazette before any order can be made, so that, if an order be made on any matter requiring an order, whereof such due notice has not been given, such order will be void, because the council had no authority to make the order. And as, by the words of the act, 'every order made in council for the purpose of the act shall be published in the London Gazette, and notice of the intention of Her Majesty to take into consideration the propriety of making any such order shall be published in the London Gazette one month at least before such order shall be made,' it would appear, not only that notice of taking into consideration the ordering the court to be

held must be given, but also a notice of every material fact which is to take place respecting such holding of the court, requiring an order of the council. As of the dividing the county into districts, of declaring parts of one county within the jurisdiction of the county court of another, of where the court is to be held and for what district, for all these facts can only be done by order in council, (vide statute), and no order is to be made without notice. So that, it would appear, the notice in the Gazette must set out everything that will be necessary for the creation of the court and the jurisdiction respecting which it is made, and for which the order of the council is necessary, or otherwise the order will be bad, and all proceedings under it void. At least, this is what the statutory enactments would appear to amount to, though, of course, this at present can be but matter of opinion. But there is no reason why notice of everything for which an order in council is likely to be required may not be given in the first instance, for if not required they can do no harm, and time will be saved. And if any material point for which an order is required, as an alteration of the district, or of the place of holding the court, is omitted, there must, no doubt, be a month's notice before such order can be made."

If this be the true construction of the 8th section of the act, the notice issued on the 22nd of December would seem to be of very little use, as it specifies nothing in regard to the orders, or the object of the orders, and amounts to no more than a notice that during the ensuing month the Queen in Privy Council will sit and deliberate, not upon the propriety of any specific order, but upon the question, whether she shall or shall not make orders at all; and when that question shall have been solved, it will then become necessary to publish a fresh notice specifying the particular orders which it is intended to make, if Her Majesty shall think



fit to make them, after considering them in Council. It would seem, however, from the language of the notice just issued, that that is not the construction which the crown officers have put upon the act; for they can hardly mean that the Privy Council shall be called together to consider whether it will be proper for the Crown to take the act into consideration, or not; and we apprehend they must mean, that, during the month following the date of this notice, Her Majesty will take into consideration the propriety of making some certain orders, and that she will, at the end of a month or later, make such orders forthwith, if she is then advised that they are proper to be made.

The language of the 8th section of the statute is certainly rather loose and ambiguous. It is not easy to see of what use it is at all, unless the notice in some way specifies the object and nature of the order that is to be taken into consideration. But, on the other hand, the section does not in terms require that the notice shall in any way describe the intended order; and it is further to be noticed, that, if that were the construction, no alteration could be made by the Privy Council in any order as set forth in the notice, without a further notice before Her Majesty could make the order; because if she made an order not in the terms described in the notice, it would not be the order of which notice had been given, and would not, therefore, be lawful; and after the terms of an order were finally settled, then to give notice of the Queen's intention to take it into consideration would be absurd, as there could be nothing left to consider. It is, however, extremely important, that, whatever is the true construction of the statute, the notice should strictly pursue it; for whether there be doubt or not about the meaning of the 8th clause, there can be none, that if a county court be constituted under an order not made pursuant to the act, everything done in such court will be *coram non jure*, and utterly void.

At the court at Windsor, the 19th day of December, 1846; present, the Queen's most excellent Majesty in Council:—Whereas by an act passed in the last session of Parliament, intitled "An Act for the more easy Recovery of small Debts and Demands in England," it is, among other things, enacted, that it shall be lawful for Her Majesty, with the advice of her Privy Council, to order that the said act be put in force in such county or counties as to Her Majesty, with the advice aforesaid, shall seem fit; and to divide the whole or part of any such county, including all counties of cities, and counties of towns, cities, boroughs, towns, ports, and places, liberties, and franchises therein contained, or thereunto adjoining, into districts; and to order that the county court shall be holden for the recovery of debts and demands under the said act in each of such districts; and to declare by what name and in what towns and places the county court shall be holden in each district; and if it shall appear to Her Majesty that any part of any county, liberty, city, borough, or district may conveniently be declared within the jurisdiction of the county court of an adjoining county, it shall be lawful for Her Majesty, with the advice aforesaid, to order that such part shall be taken to be within the jurisdiction of the county court holden for the purposes of the said act for such adjoining county in and for such district as Her Majesty shall order, in like manner as if it were part of such adjoining county.

And whereas by the said act it is also enacted, that it shall be lawful for Her Majesty, with the advice of her Privy Council, to order that any court, holden for the recovery of small debts or demands within the provisions of any act cited in either of the schedules annexed to the said act, and marked (A) and (B) respectively, shall be holden as a county court, and to assign a district to every such court either greater or less than the district in which the court, holden under the provisions of any such act, has jurisdiction, and to alter the place of holding any such court, or to order that any such court be abolished.

And whereas by the said act it is also enacted, that any order in council, made for the purposes of the said act, shall be published in the London Gazette, and notice of the intention of Her Majesty to take into consideration the propriety of making any such order shall be published in the London Gazette one calendar month at least before any such order shall be made; and whereas Her Majesty has been pleased this day to refer the consideration of the said act, and of the orders which it may be proper to make for the purposes thereof, to a committee of the Lords of Her Majesty's most Honourable Privy Council, and to direct that the said committee do report their opinion thereupon to her Majesty.

Notice is hereby given, that, after the expiration of one calendar month from the date of the publication of this notice in the London Gazette, Her Majesty, with the advice of her Privy Council, will take into consideration the propriety of making orders for the purposes of the said act, and for putting the said act in execution in every county throughout England and Wales.

C. C. GREVILLE.

## London Gazette.

TUESDAY, DECEMBER 22.

### BANKRUPTS.

NEVILLE DANIELL, Charlotte-st., Fitzroy-square, Middlesex, dentist, dealer and chapman, Jan. 8 at half-past 12, and Feb. 5 at 11, Court of Bankruptcy, London: Off. As. Whitmore; Sol. Rushbury, Mitre-court, Ely-place, Holborn.—Fiat dated Dec. 18.

WILLIAM DAWSON, Staverton-row, Walworth, Surrey, linendraper, and Aldermanbury, London, warehouseman, dealer and chapman, Jan. 9 and Feb. 5 at half-past 11, Court of Bankruptcy, London: Off. As. Cannan; Sol. Lloyd, Milk-st., Chesapeake.—Fiat dated Dec. 19.

CHARLES TURNER, Lowestoff, Suffolk, grocer, Jan. 12 at half-past 2, and Feb. 2 at 11, Court of Bankruptcy, London: Off. As. Edwards; Sols. Amory & Co., Throgmorton-street.—Fiat dated Dec. 15.

JOHN MOUSLEY, Holland-terrace, Millbrook-road, North Brixton, Surrey, builder, dealer and chapman, Jan. 4 at 12, and Feb. 1 at half-past 11, Court of Bankruptcy, London: Off. As. Turquand; Sols. Morris & Co., Moor-gate-street-chambers.—Fiat dated Dec. 18.

EDWARD SEPPINGS, Cromer, Norfolk, victualler, Jan. 5 at 1, and Feb. 2 at 12, Court of Bankruptcy, London: Off. As. Belcher; Sol. Wilkin, Furnival's-inn, Holborn.—Fiat dated Dec. 19.

JAMES DALE the younger, Summer-street, Southwark, Surrey, town carman, dealer and chapman, Dec. 30 at 12, and Jan. 4 at 1, Court of Bankruptcy, London: Off. As. Johnson; Sol. Coote, Bucklersbury.—Fiat dated Dec. 19.

JOHN GILLIAM, Frith-st., Soho-square, Middlesex, jeweller, dealer and chapman, Jan. 2 and Feb. 6 at 11, Court of Bankruptcy, London: Off. As. Green; Sols. Pain & Hatherly, Basinghall-street.—Fiat dated Dec. 12.

CHARLES CARPENTER, Basingstoke, Southampton, baker, grocer, dealer and chapman, Jan. 2 and Feb. 13 at 11, Court of Bankruptcy, London: Off. As. Follett; Sol. Johnson & Co., Temple.—Fiat dated Dec. 18.

**WILLIAM TRICE**, High-st., Stepney, Middlesex, grocer and tea dealer, dealer and chapman, Jan. 4 at 1, and Feb. 1 at 12, Court of Bankruptcy, London: Off. Ass. Turquand; Sol. Silvester, Great Dover-street, Newington, Surrey.—Fiat dated Dec. 19.

**GEORGE WOOD**, New Compton-st., Soho, Middlesex, musical instrument maker, Dec. 31 at half-past 11, and Feb. 4 at 2, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Chappell, Quality-court, Chancery-lane.—Fiat dated Dec. 15.

**THOMAS DAVIS**, Halifax, Yorkshire, commission-agent, furniture dealer, auctioneer, dealer and chapman, Jan. 12 and 25 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Wavell, Halifax; Courtenay, Leeds; Gregory & Co., Bedford-row, London.—Fiat dated Dec. 12.

**WILLIAM ROBERT VAUGHAN**, Bristol, builder, dealer and chapman, (lately carrying on business as a retailer of beer), Jan. 5 at 12, and Feb. 2 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sols. Cole, Bristol; Surr & Gribble, Lombard-street, London.—Fiat dated Dec. 19.

**SIDNEY HENRY SMITH**, Potterne, Wiltshire, innkeeper, Jan. 7 and Feb. 2 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sols. Wall, Devizes; Peters & Abbot, Bristol.—Fiat dated Dec. 10.

**JOSEPH HUDSON**, Nottingham, lace manufacturer, dealer and chapman, Jan. 1 and 29 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sol. Bowley, Nottingham.—Fiat dated Dec. 16.

**WILLIAM TANTUM**, Nottingham, tobacco and cigar dealer, dealer and chapman, Jan. 1 and 29 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sol. Bowley, Nottingham.—Fiat dated Dec. 16.

**BENJAMIN PETER MITCHELL**, Liverpool, victualler, coach proprietor, dealer and chapman, Jan. 5 and 26 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Green, Liverpool; Gregory & Co., Bedford-st., London.—Fiat dated Dec. 16.

**WILLIAM RHODES**, (trading under the firm of James Rhodes & Sons), Song-mills, near Delph, Saddleworth, Yorkshire, woollen cloth manufacturer, Jan. 6 and Feb. 2 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sols. Redfern, Oldham; Cariss, Leeds; Spinks, Great James-st., London.—Fiat dated Dec. 9.

#### MEETINGS.

*John Bramall*, Ashton-under-Lyne, Lancashire, grocer, Jan. 12 at 11, District Court of Bankruptcy, Manchester, last ex.—*George Flint*, Tamworth, Warwickshire, and Stafford, paper manufacturer, Jan. 13 at 11, District Court of Bankruptcy, Birmingham, last ex.—*Thos. Wright*, Derby, cheese factor, Jan. 14 at 11, District Court of Bankruptcy, Birmingham, last ex.—*Sarah Wilcke*, Fore-st., Cripplegate, London, wholesale milliner, Jan. 14 at 11, Court of Bankruptcy, London, aud. ac.—*Jabez Russell* the younger, Whittlesea, Isle of Ely, Cambridgeshire, builder, Jan. 14 at 11, Court of Bankruptcy, London, aud. ac.—*Thos. H. Beal*, Wingham, Kent, grocer, Jan. 14 at half-past 1, Court of Bankruptcy, London, aud. ac.—*And. Wm. Angus*, East-street, Walworth, Surrey, grocer, Jan. 15 at 2, Court of Bankruptcy, London, aud. ac.—*Abraham H. Chambers* the elder and *Abraham H. Chambers* the younger, New Bond-st. and South Molton-st., Middlesex, bankers, Jan. 13 at 12, Court of Bankruptcy, London, aud. ac. and div.—*Th. Thompson*, Brighton, Sussex, grocer, Jan. 19 at 12, Court of Bankruptcy, London, aud. ac.—*Hen. Huggins*, Oxford, coachmaker, Jan. 13 at 11, Court of Bankruptcy, London, aud. ac.—*Kenrick F. A. Hampson*, Walnut-tree-walk, Lambeth-walk, Lambeth, Surrey, gas fitter, Jan. 13 at 11, Court of Bankruptcy, London, aud. ac.—*Robert M. Jermyns*, Bocking, Essex, chemist, Jan. 14 at 12, Court of Bankruptcy, London, aud. ac. and div.—*Mary Dent*, widow, York, bookseller, Jan. 16 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*Thos. Cooke*, Bridge-terrace, Harrow-road, Paddington, Middlesex, plasterer, Jan. 15 at 11, Court of Bankruptcy, London, div.—*Robert F. Barber*, Bishopsgate-street-without, London, licensed victualler, Jan. 15 at 12, Court of Bankruptcy, London, div.—*John Kirkup*, Rotherhithe, Surrey, coal merchant, Jan. 15 at 1, Court of Bankruptcy, London, div.—*Alexander Featman* and *Aubrey Lum*, Fore-st., London, chemist, Jan. 15 at half-past 12, Court of

Bankruptcy, London, div.—*Thos. Megarey*, Love-lane, Billingsgate, London, coal merchant, Jan. 15 at half-past 12, Court of Bankruptcy, London, div.—*Fred. John Ablett* and *Wm. Hen. Ablett*, High Holborn, Middlesex, drapers, Jan. 20 at 1, Court of Bankruptcy, London, div.—*John Gillender*, Sunderland, Durham, ironmonger, Jan. 15 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on the Day of Meeting.*

*Benj. Clark*, Kingston-upon-Thames, Surrey, export ale merchant, Jan. 15 at half-past 1, Court of Bankruptcy, London.—*Wm. Allen*, Wheeler-st., Spitalfields, Middlesex, scale-board manufacturer, Jan. 13 at 11, Court of Bankruptcy, London.—*Isaac Bryant*, Victoria-grove, Stoke Newington, Middlesex, builder, Jan. 14 at 1, Court of Bankruptcy, London.—*Thos. P. Webb*, Balaham, Cambridgeshire, coal merchant, Jan. 15 at half-past 2, Court of Bankruptcy, London.—*James Jos. Fryer*, Birch-in-lane, Cornhill, London, stock-broker, Jan. 15 at 1, Court of Bankruptcy, London.—*Wm. Hildrow*, Darlington, Durham, grocer, Jan. 15 at half-past 10, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Stephen Unwin* the elder, *Fisher Unwin*, and *Stephen Unwin* the younger, Coggeshall, Essex, woolstaplers, Jan. 12 at 12, Court of Bankruptcy, London.—*W. Warburton*, Newcastle-upon-Tyne, grocer, Jan. 15 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne.—*H. Copner*, Ludlow, Shropshire, mercer, Jan. 14 at 12, District Court of Bankruptcy, Manchester.—*Wm. Hunter*, Rainford, Lancashire, sawyers, Jan. 13 at 11, District Court of Bankruptcy, Liverpool.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Jan. 12.*

*John Sellick Lyddon*, Birkenhead, Cheshire, chemist.—*M. Thompson*, Saffron Walden, Essex, ironmonger.—*George Hornsby*, Leamby, Northumberland, builder.—*Fred. Belloni*, Shaftesbury, Dorsetshire, clockmaker.—*Thos. Evans Jones*, Knightsbridge-terrace, Middlesex, linendraper.

#### FIATS ANNULLED.

*Wm. Bull Harvey*, Herbert-street, New North-road, Middlesex, mercer.—*Edwin Augustus Wm. Taylor*, Bradford, Yorkshire, bookseller.

#### PARTNERSHIP DISSOLVED.

*John Ridley* and *Wm. Laidler Dunn*, attorneys at law and solicitors, Newcastle-upon-Tyne.

#### SCOTCH SEQUESTRATIONS.

*Alexander Broadfoot*, *Robert Brand*, *Robert Thomson*, *James Thomson*, and *Alex. Dunlop Anderson*, Glasgow, merchants.—*Mary Anne Nicholson*, Glasgow, bookseller.—*Thos. Ingram & Co.*, and *Thos. Ingram*, Paisley, manufacturers.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Wm. Henry Martin*, Duncan-street, Lalington, Middlesex, conductor to an omnibus, Dec. 26 at 1, Court of Bankruptcy, London.—*Robt. Pres*, Clarence-street, Greenwich, Kent, accountant, Dec. 26 at half-past 2, Court of Bankruptcy, London.—*John Thomas da Cunha*, Leeds, Yorkshire, wine merchant, Dec. 28 at 11, District Court of Bankruptcy, Leeds.—*Alex. McLeod*, Huddersfield, Yorkshire, hatter, Dec. 28 at 11, District Court of Bankruptcy, Leeds.—*John Bishop*, South Wonford, Heavitree, Devonshire, labourer, Jan. 13 at 11, District Court of Bankruptcy, Exeter.—*Joshua Parker*, Beck Wallgate, Macclesfield, Cheshire, publican, Jan. 7 at 12, District Court of Bankruptcy, Manchester.—*T. Cooper* the younger, Manchester, dentist, Dec. 28 at 12, District Court of Bankruptcy, Manchester.—*Wm. Pennell*, Weston-super-Mare, Somersetshire, master bootmaker, Jan. 5 at 11, District Court of Bankruptcy, Bristol.—*John Hennessy*, Toxteth-park, Lancashire, cabinet maker, Jan. 1 at 11, District Court of Bankruptcy, Liverpool.—*Jos. Claworth*, Liverpool, beer-house keeper, Jan. 1 at 11, District Court of Bankruptcy, Liverpool.—*Joseph Garnett*, Low-hill, near Liverpool, book-keeper, Jan. 1 at 11, District Court of Bankruptcy,

Liverpool.—*J. Harricks*, Liverpool, apothecary, Dec. 30 at 12, District Court of Bankruptcy, Liverpool.—*John Benser*, Broughton Sutney, Nottingham, bootmaker, Jan. 8 at 11, Exchange-rooms, Nottingham.—*William Greenly*, Weirhead, Monmouthshire, tea dealer, Jan. 12 at 11, District Court of Bankruptcy, Bristol.—*Thos. Coster Francombe*, Swindon, Wiltshire, out of business, Jan. 7 at half-past 11, District Court of Bankruptcy, Bristol.—*James Thomason*, Higher Tranmere, Bebbington, Cheshire, common brewer, Jan. 7 at 11, District Court of Bankruptcy, Liverpool.—*A. Milligan*, Liverpool, out of business, Jan. 7 at 11, District Court of Bankruptcy, Liverpool.—*Roger Dawson*, Liverpool, attorney at law, Dec. 30 at 11, District Court of Bankruptcy, Liverpool.—*Thomas Rigby*, Liverpool, shoemaker, Jan. 7 at 12, District Court of Bankruptcy, Liverpool.

*Saturday, Dec. 19.*

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*Jonathan Thompson*, Cheapside, London, paper banger, No. 58,548 T.; *Samuel Beddome*, assignee.—*Harold Youngman*, Leamington-priors, Warwickshire, retailer of wines, No. 67,615 C.; *Robert Seeman*, assignee.—*William Rowland*, Loughborough, Leicestershire, veterinary surgeon, No. 67,634 C.; *John Mynors Hulstrode*, assignee.—*Solomon Price*, Walcot, Bath, Somersetshire, livery-stable keeper, No. 67,686 C.; *James Bourn* and *John Harvey*, assignees.—*Henry Robinson*, Burnley, Lancashire, provision dealer, No. 67,768 C.; *Joseph Beanland*, assignee.—*Thomas Poynter*, Newport Pagnall, Buckinghamshire, shoemaker, No. 67,776 C.; *George Bailey*, assignee.—*Robert Long*, King's Norton, Leicestershire, farmer's assistant, No. 67,824 C.; *Thomas Beaumont Hudson*, assignee.

*Saturday, Dec. 19.*

*Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Wm. Watson* the younger, Smithfield, London, hay dealer: in the Debtors Prison for London and Middlesex.—*J. Kymer* the elder, Westbourne-place, Eaton-square, Fimlico, Middlesex, and Pontardulais, Carmarthenshire, coal owner: in the Queen's Prison.—*Spencer Thomas Whitcroft*, Star-street, Edgware-road, Middlesex, mariner: in the Debtors Prison for London and Middlesex.—*Aaron Lyons*, Princess-square, Ratcliff-highway, Middlesex, cabinet maker: in the Debtors Prison for London and Middlesex.—*James Smith Pittman*, Nottingham-terrace, York-gate, Regent's-park, Middlesex, clerk to a cigar manufacturer: in the Debtors Prison for London and Middlesex.—*James Jones*, Lower Sydenham, Kent, bricklayer: in the Queen's Prison.—*Wm. Thompson*, Chatham, Kent, grocer: in the Queen's Prison.—*Rich. Davies*, Elizabeth-place, Balls-pond-road, Kingsland, Middlesex, general dealer: in the Debtors Prison for London and Middlesex.—*Daniel Clark*, Brett's-buildings, Camberwell-road, Surrey, house decorator: in the Queen's Prison.—*George Smith*, Upper North-street, Caledonian-road, King's-cross, Middlesex, out of business: in the Queen's Prison.—*William Rogers*, St. Mary-street, Walcot-square, Lambeth, Surrey, goldsmith: in the Gaol of Surrey.—*Mary Altres*, Bewdley Forest Rock, Worcestershire, out of business: in the Gaol of Worcester.—*Joseph Duffield*, Little Hampton, Surrey, tailor: in the Gaol of Petworth.—*Henry Willis*, Gloucester, coachman: in the Gaol of Gloucester.—*Peter Dean*, Cuckstool, Pit-hill, Macclesfield, Cheshire, out of business: in the Gaol of Chester.—*Matthew Oldfield*, Macclesfield, Cheshire, whitesmith: in the Gaol of Chester.—*Betty Eastwood*, Milnsbrige, near Huddersfield, Yorkshire, widow, never in any business: in the Gaol of York.—*George Laws*, Bucks Ruck, near Ryton, Durham, husbandman: in the Gaol of Durham.—*Samuel Roden*, Wellington, Shropshire, assistant printer: in the Gaol of Shrewsbury.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Tuesday, Jan. 5, at 9.*

*Richard Atkinson* the younger, Murray-street, Hoxton, Middlesex, commercial traveller.—*Chas. Fisher* the younger, Earl-street, Finsbury, Middlesex, lithographer.—*Charles B. Lupton*, St. John-street-road, Clerkenwell, Middlesex, watchmaker.—*John Mantle*, Vauxhall-walk, Lambeth, Surrey, pork butcher.—*James Smith*, Denmark-street, Soho, Middlesex,

engineer.—*Daniel Thomas* the elder, West-green, Tottenham Middlesex, carpenter.

*Jan. 6, at the same hour and place.*

*Matthew Henry Russell*, Union-street, Southwark, Surrey, plumber.—*Richard Christopher Preston*, Air-street, Piccadilly, Middlesex.—*Thomas Bedford Stewart*, Norfolk-street, Middlesex, lieutenant in the Royal Navy on half-pay.—*Francis Wall*, Stockwell-place, Stockwell, Surrey, commission agent.—*James Spriggins*, Rosomon-street, Clerkenwell, Middlesex, bricklayer.—*James Emery Hayman*, Ward-street, Princes-road, Lambeth, Surrey, assistant to a corn dealer.

FRIDAY, DEC. 25.

#### BANKRUPTS.

**PHILIP JAMES LUNTLEY**, Broad-street-hill, London, druggist and oil refiner, Jan. 9 at half-past 1, and Feb. 5 at 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Sadgrove, Mark-lane.—Fiat dated Dec. 23.

**HENRY WILKINSON**, Watford, Hertfordshire, cabinet maker, dealer and chapman, Jan. 7 at half-past 12, and Feb. 3 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Strutt, Buckingham-street, Strand, London.—Fiat dated Dec. 23.

**WILLIAM ALFRED ELSTON**, Bugbrook, Northampton, surgeon and apothecary, (carrying on business at Bugbrook with William Henry Walker, as surgeons and apothecaries, under the firm of Elston & Walker), Jan. 13 at 1, and Feb. 9 at 12, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Freeman & Hicks, Northampton; Freeman, Bedford-row.—Fiat dated Dec. 16.

**JOHN CARD**, Dilton, Westbury, Wiltshire, miller and builder, Jan. 13 at half-past 12, and Feb. 11 at half-past 1, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Miller, Frome; Fennell & Co., Bedford-row, London.—Fiat dated Dec. 15.

**WILLIAM LAW WOOD**, Gracechurch-street, London, ironmonger, Jan. 5 and Feb. 5 at 11, Court of Bankruptcy, London: Off. Ass. Belcher; Sol. Henderson, Mansell-st., Goodman's-fields.—Fiat dated Dec. 24.

**ALFRED FIELDER**, Alton, Southampton, brewer and maltster, and coal merchant, Jan. 5 at 1, and Feb. 5 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Dyer & Co., Ely-place, Holborn.—Fiat dated Dec. 14.

**OWEN ROBERTS**, Tym-y-Cood, Penniachno, Carnarvonshire, cattle dealer and farmer, Jan. 8 and Feb. 9 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sols. Williams & Edwards, Plas Pigot, Denbighshire; Dodge, Liverpool; Edwards & Peake, New Palace-yard, London.—Fiat dated Dec. 12.

**ROBERT ELLIOT**, Liverpool, agricultural implement maker, dealer and chapman, Jan. 12 and 29 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Booker, Liverpool; Holme & Co., New-inn, London.—Fiat dated Dec. 21.

**WILLIAM OSWIN**, Liverpool, boot and shoe maker, dealer and chapman, Jan. 12 and 29 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sols. Deane, Liverpool; Vincent, Temple, London.—Fiat dated Dec. 22.

**WILLIAM JONES** and **GEORGE CLAY**, Liverpool, boiler makers, (carrying on business under the style or firm of William Jones & Co.), Jan. 8 and Feb. 9 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Sols. Greatley, Liverpool; Smith & Co., Bedford-row, London.—Fiat dated Dec. 16.

**GEORGE ROGERS**, Gloucester, ironmonger and general smith, dealer and chapman, Jan. 8 and Feb. 5 at 1, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sol. Wilkes, Gloucester.—Fiat dated Dec. 17.

**JAMES ANDREWS**, Llantrissant, Glamorganshire, grocer, draper, dealer and chapman, Jan. 8 at half-past 11, and Feb. 5 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Millar; Sols. Prideaux & Son, Bristol.—Fiat dated Dec. 17.

**WILLIAM BARKER**, Royton, near Oldham, Lancashire, millwright and iron founder, dealer and chapman, Jan. 5 and Feb. 1 at 11, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Wilson, Manchester; Wilson, 4, South-square, Gray's-inn, London.—Fiat dated Dec. 21.

**MICHAEL O'HARA NASH**, Bristol, licensed victualler, (formerly carrying on the business of an auctioneer and appraiser and licensed victualler at Bristol), Jan. 8 at half-past 12, and Feb. 5 at 12, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sols. Sabine, Bristol; Troherne & White, Barge-yard-chambers, Bucklersbury, London.—Fiat dated Dec. 22.

**DANIEL HARFORD**, Birmingham, licensed victualler, dealer and chapman, Jan. 20 and Feb. 3 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sols. Smith, Birmingham; Weeks, Cook's-court, Lincoln's-inn, London.—Fiat dated Dec. 23.

**HENRY BARTLEET**, Redditch, Worcestershire, builder, dealer and chapman, Jan. 12 and 30 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Motteram & Knowles, Birmingham.—Fiat dated Dec. 21.

**THOMAS COOK**, Leicester, printer and bookseller, boarding-house keeper, dealer and chapman, Jan. 15 and Feb. 12 at 12, District Court of Bankruptcy, Nottingham: Off. Ass. Bittleston; Sol. Bowley, Nottingham.—Fiat dated Dec. 21.

**THOMAS HULSE**, Birmingham, boot and shoe seller, dealer and chapman, Jan. 6 and Feb. 3 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sol. Rowlinson, Birmingham.—Fiat dated Dec. 21.

**HENRY GREEN**, Birmingham, button manufacturer, Jan. 3 and 30 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sol. Harding, Birmingham.—Fiat dated Dec. 17.

#### MEETINGS.

*John Bowker Dunkerley*, Chorlton-upon-Medlock, Manchester, draper, Jan. 14 at 12, District Court of Bankruptcy, Manchester, last ex.—*Thomas Ibbetson Hellawell*, *James Nortcliffe*, and *John Beaumont Hellawell*, Thornhill Briggs, Halifax, Yorkshire, dyers, Jan. 16 at 11, District Court of Bankruptcy, Leeds, last ex. of *John Beaumont Hellawell*.—*Hewson Dutchman*, Toxteth-park, near Liverpool, merchant, Jan. 18 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*W. Tweddle*, Liverpool, soap manufacturer, Jan. 18 at 11, District Court of Bankruptcy, Liverpool, aud. ac.; Jan. 19 at 11, div.—*William Barker*, Tottington Higher-end, Lancashire, cotton spinner and manufacturer, Jan. 21 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Jan. 22 at 12, div.—*James Buttery*, Manchester, commission agent, Jan. 18 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*Richard Crompton*, Shrigley, Cheshire, brick makers, Jan. 18 at 11, District Court of Bankruptcy, Manchester, aud. ac.; Jan. 19 at 11, div.—*Sam. Hall*, Manchester, commission agent, Jan. 18 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*John Potter*, Manchester, and *Wm. Maude*, Darwen, Blackburn, Lancashire, calico printers, Jan. 19 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Jan. 20 at 12, fin. div.—*Francis Shute* and *Stephen Shute*, Crediton, Devonshire, woollen manufacturers, Jan. 20 at 11, District Court of Bankruptcy, Exeter, aud. ac.; Jan. 21 at 1, div. sep. est. of *S. Shute*.—*Thos. Henry Spence*, Newcastle-upon-Tyne, tailor, Jan. 19 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*Wm. Thompson* and *James Mellis*, Newcastle-upon-Tyne, and *Buenos Ayres* and *Monte Video*, South America, merchants, Jan. 19 at half-past 10, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; Jan. 21 at 12, fin. div.—*Alfred Johnson*, South Shields, Durham, printer, Jan. 19 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*Wm. Morris Rowe*, Stamford, Lincolnshire, grocer, Jan. 29 at 12, District Court of Bankruptcy, Nottingham, aud. ac.—*John Rawlinson*, Spalding, Lincolnshire, tailor, Jan. 15 at 12, District Court of Bankruptcy, Nottingham, aud. ac. and div.—*Frederick Jones*, Ventnor, Newchurch, Isle of Wight, Southampton, apothecary, Jan. 15 at half-past 1, Court of Bankruptcy, London, div.—*Robert Arthur Fitzhardinge Kingcole*, Sandgate, Kent, merchant, Jan. 18 at half-past 1, Court of Bankruptcy, London, div.—*E. Leman*, Church-row, Newington, Surrey, and *Thomas Kinsman Bryan*, Old Swan Pier, Upper Thames-st., London, wharfingers, Jan. 18 at half-past 11, Court of Bankruptcy, London, div. sep. est. of *Ed. Leman*.—*Wm. Taylor*, Springhead, in Saddleworth, Yorkshire, wool and oil merchant, Jan. 22 at 12, District Court of Bankruptcy, Manchester, fin. div.—*Conrad Haverkham Green How*, North Shields, Northumberland, ship broker, Jan. 19 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, fin. div.

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*Cornelius Sierks* the younger, Southampton, builder, Jan. 15 at 1, Court of Bankruptcy, London.—*William Aldred*, George-st., New Kent-road, Surrey, builder, Jan. 18 at half-past 12, Court of Bankruptcy, London.—*Richard Walton*, Birch-in-lane, Cornhill, London, hosier, Jan. 19 at half-past 12, Court of Bankruptcy, London.—*Thos. Thompson*, Brighton, Sussex, grocer, Jan. 19 at 12, Court of Bankruptcy, London.—*Geo. Jaques*, Tothill-street, Westminster, Middlesex, plumber, Jan. 22 at 1, Court of Bankruptcy, London.—*Joshua Garsed* the elder and *Joshua Garsed* the younger, Leeds, Yorkshire, flax manufacturers, Jan. 19 at 11, District Court of Bankruptcy, Leeds.—*James Nortcliffe*, Thornhill Briggs, Halifax, Yorkshire, dyer, Jan. 19 at 11, District Court of Bankruptcy, Leeds.—*John Birley*, Eccles, Lancashire, card manufacturer, Jan. 18 at 11, District Court of Bankruptcy, Manchester.—*Geo. Benj. Franklin*, Shrewsbury, Shropshire, printer, Jan. 19 at 12, District Court of Bankruptcy, Birmingham.—*J. Knight*, Birmingham, timber merchant, Jan. 13 at 22, District Court of Bankruptcy, Birmingham.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before Jan. 15.*

*James Bradshaw*, Mary-le-bone-st., Piccadilly, Middlesex, woollen draper.—*John Beaton*, Upper-street, Islington, Middlesex, tailor.—*Stephen Joyce*, London-wall, London, stove and range manufacturer.—*John Gibson*, Manchester, veterinary surgeon.—*Henry Hulchinson*, Liverpool, merchant.—*John Wheelwright*, Stoke Saint Melborough, Shropshire, farmer.—*Jos. Southern*, Kidderminster, Worcestershire, victualler.—*Anthony T. Edwards*, Idol-lane, Tower-st., London, bricklayer.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*John Ward* the younger, Ribchester, Lancashire, innkeeper, Jan. 15 at 12, District Court of Bankruptcy, Manchester.—*Isaac Mathers*, Stockport, Cheshire, retailer of beer, Jan. 5 at 12, District Court of Bankruptcy, Manchester.—*James Farmer*, Bellbroughton, Worcestershire, maltster, Jan. 2 at 12, District Court of Bankruptcy, Birmingham.—*William Burgees*, Kidderminster, Worcestershire, hatter, Jan. 2 at 12, District Court of Bankruptcy, Birmingham.

Wednesday, Dec. 23.

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

(On their own Petitions).

*Hen. Ashton*, Silver-st. and Mary-le-bone-st., Golden-sq., Middlesex, statutory: in the Queen's Prison.—*Wm. Goudge*, Castle-st. East, Oxford-st., Middlesex, coach smith: in the Queen's Prison.—*Edw. P. Ayres*, Vine-st., Millbank, Westminster, Middlesex, assistant to a chemist: in the Debtors Prison for London and Middlesex.—*Mich. J. Haines*, Suffolk-st., Southwark, Surrey, carrier: in the Gaol of Surrey.—*George Skinner*, York-place, Westminster-road, Lambeth, Surrey, dyer: in the Queen's Prison.—*Abraham Stansfield*, Idle, near Bradford, Yorkshire, out of business; in York Castle.—*Isaac A. Fleming*, Toxteth-park, Liverpool, traveller to a watch manufacturer: in the Gaol of Liverpool.—*Wm. Ringer*, Norwich, barman: in the Gaol of Norwich.—*Daniel Besley*, Abingdon, Berkshire, coach builder; in the Gaol of Reading.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Friday, Jan. 8, at 9.*

*Matt. Cooper*, Upper Seymour-st., Euston-sq., Middlesex, out of business.—*Edw. Jepp*, Great Castle-st., Oxford-st., Middlesex, tailor.—*Joseph A. Joseph*, Carpenter's-buildings, London-wall, London, out of business.—*Francis P. Parker*, Cranmer-pl., Waterloo-road, Surrey, out of business.

Adjourned.

*Joseph Goulding*, Charles-st., City-road, St. Luke, Middlesex, out of business.

Jan. 11, at the same hour and place.

**Henry Wilson**, Edward-st., Hampstead-road, Middlesex, broker.—**Thos. Cheverton**, John-st., Tottenham-court-road, Middlesex, out of business.—**John F. Trigg**, Salem-gardens, Moscow-road, Bayswater, Middlesex, shopman to a corn dealer.—**Mark Edw. Coleman**, Hawley-place, Kentish-town, Middlesex, baker.—**Thos. Davis**, Louisa-st., Beaumont-st., Beaumont-sq., Mile-end-road, Middlesex, labourer.—**Richard Pryce**, Strand, Middlesex, shell fishmonger.

#### MEETINGS.

**Thomas Barron**, Clavering, near Saffron Walden, Essex, blacksmith, Jan. 14 at 12, Gee & Co.'s, Bishop Stortford, sp. aff.—**John M. Winnington, Esq.**, Bridge-house-place, Newington-causeway, Surrey, Jan. 18 at 12, Dean & Sons', Essex-st., Strand, London, sp. aff.

**MASTERS IN CHANCERY.**—The Lord Chancellor has appointed the following gentlemen Masters Extraordinary in the high Court of Chancery:—**Jeston Homfray**, Hales Owen, Worcestershire; **Charles Frederick Lucas**, Newport Pagnell, Buckinghamshire; **George Wiles**, Horbling, Lincolnshire; **Thomas Thompson**, Bishop Wearmouth, Durham.

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No. 521—VOL. X.

JANUARY 2, 1847.

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LONDON, JANUARY 2, 1847.

MUCH dissatisfaction is often expressed at the state of the law with respect to poor-law appeals. It is said, and truly, that the whole is now so involved in technicalities and niceties of special pleading, that rarely is the settlement of a pauper decided upon the merits, or, if so, not until after the contending parishes have incurred great and useless expenses about matters of form. For this, the Court of Queen's Bench is too often unjustly blamed. We are not going to deny that that court has, by the mode in which it has carried out the enactment of the New Poor Law Act respecting examinations, and the disposition it has for years shewn to scan, in the strictest manner, the proceedings of magistrates, fostered a somewhat mischievous habit of thought and practice upon these subjects; but we have long been inclined to think that the Bar is as much to blame as the court, for the lavish expenditure incurred by parishes in the removal of paupers. The objections that have been successfully taken to orders and examinations have created an appetite for further discoveries, and it has become the ambition of gentlemen practising at sessions not so much to protect the interests of their clients as to distinguish themselves by astuteness in finding flaws which no one ever before dreamed of. But as every objection, when discovered and established, is carefully and extensively reported, and is of course, except in cases of gross ignorance or carelessness, avoided for the future, it must happen that the objections to orders and examinations really sustainable will become every term more and more reduced in number, and ought finally not to appear before the courts at all. One might expect, that, like other forms of legal proceedings, poor-law orders and examinations would gradually assume a certain shape, and if ever departed from, the mistake would be at once acknowledged and corrected. But this does

not seem to be the case. Term after term the Crown Paper in the Queen's Bench presents its usual list of poor-law cases, and forensic ingenuity is racked to find points which will bear the shadow of an argument. Forms which have been in use for more than a century, and have met with the approval of the ablest minds, are attacked with the energy of despair\*, and it seems with many to be a matter of self-gratulation to discover a new point, no matter whether it be good or bad, capable of being sustained on argument, or certain to be summarily rejected. We may appear to speak harshly, but we appeal to the Bar generally whether we are not right. The reports will testify for us; for no one who has examined them can fail to perceive that in poor-law cases objections are raised of a nature frivolous beyond example in any other branch of the law. We will take the lately-issued number of the New Sessions Cases, (vol. 2, part 5), the examination of which has suggested to us to make the foregoing observations. In that number, five settlement cases are reported; but one of them, (*Reg. v. Walbottle*, 442), turning upon the construction of a pit-bond, does not come within the class we allude to.

In the first, then, of the four, (*Reg. v. Inhabitants of Northowram*, p. 437), there was but one objection taken, which failed, and the order of sessions was confirmed; Lord Denman, in the course of the argument, observing, that it was much to be regretted that the sessions should have reserved for the court a question which they were fully competent to decide for themselves. In the next, (*Reg. v. The Inhabitants of Watford*, p. 460), four objections were taken to the examinations, which were overruled at the sessions, but a case was granted. Upon coming to the Queen's Bench, the whole of the objections were again overruled. In the next,

\* *Reg. v. Recorder of King's Lynn*, 2 New Sess. Cas. 334; 10 Jur. 640.

(*Reg. v. The Inhabitants of Anderson*, p. 479), three objections were taken to the grounds of appeal, and the sessions held the objections to be good, but permitted the appellants to prove the facts upon which they relied, and confirmed the order, subject to the opinion of the court, which, after hearing counsel in support of the objections, decided against them, without calling on the other side; the Chief Justice saying, "*It is true that there have been many cases in which some very minute objections have been taken, but some of those in the present case are such as could hardly be discovered without a microscope; and though some of the distinctions in former cases may appear fine-drawn, I believe, if re-considered, all those decisions would be maintained.*"

In the remaining case, (*Reg. v. The Inhabitants of St. Paul, Covent-garden*, p. 508), four objections were taken to the order of removal, as to which, after hearing the counsel in support of them, the court said, "*The three last objections are too trivial to require comment: the first requires some consideration, principally on account of the great authority of former cases.*" And after consideration, the first was also overruled; and, therefore, of the objections taken in these four cases, not one was ultimately sustained. Are we not justified, then, in the remarks we made at the commencement of this article? But the cases we have referred to give rise to another observation. They shew to our eyes conclusively the utter inefficiency of the courts of quarter sessions to deal with such matters. In the first, second, and fourth cases, where their orders were confirmed, they ought to have had sufficient confidence in their own judgment to refuse to reserve any question for the Queen's Bench; and in the third, they held objections to be good, which were manifestly frivolous. Before a competent tribunal, probably no counsel would have ventured to raise the objections; or if he had had the courage to do so, they would have been at once finally disposed of. We have before this urged the necessity of an alteration in these courts. It is now becoming universally acknowledged, and nothing but the powerful interest which is enlisted on their side could any longer preserve them.

### Rebels.

*A Letter to the Lord Chancellor on the Reform of the Law.*  
By JOHN GEORGE PHILLIMORE. [Ridgway.]

The gentleman who writes this pamphlet, designating himself as plain "John George Phillimore," without the appendage of the word "barrister at law," is, we believe, a barrister of some standing. Judging him from this production, by which only we know him, we should say that he is a man of much reading, of some eloquence, but of much violence; and these qualities he has manifested in his pamphlet, by abundance of quotations from Greek and Latin authors, and from the fathers of English literature; by a few passages which would sound very magnificent on the hustings; and by attacks upon the English system of common-law pleading, which savor more of the heat of an uninformed youth than of the calm censure of a wise and learned man. Ex gr.: "The facts," says Mr. Phillimore, "stated in the pages of 'special pleading, which are the disgrace of our courts, might be stated in ninety-nine cases out of a hundred in a quarter of a page of foolscap paper, always in a page. The judge, before whom the parties went in the first instance, should, if he thought the case required it, have power to grant a week's delay; for further delay, application should be made to the court above: where the facts were allowed, and the law disputed, the point should be stated as it now is, on the margin of a demurrer, and referred to the consideration of the court. This would put an end to the possibility of surprise, or of any technical objection.

"The parties might, if they chose, agree beforehand as to the points in dispute, and bring them ready drawn up for the judge's signature. In short, instead of a declaration which tells the defendant nothing, and a bill of particulars to which he looks for information,—a bill of particulars would be sufficient; and instead of a demurrer being drawn out on paper, and the points intended to be argued stated in the margin, to point the attention of the judges to the real issue of the case, the statement of the points would be enough, to the infinite relief of the suitor and the manifest benefit of substantial justice. It is very common for the judges to complain that the points intended to be argued are not specifically stated, but that they are left to collect them from the demurrer itself, at a considerable cost of time and trouble. Now, if it is not necessary, for the sake of the judges, that the demurrer should be formally drawn out, what purpose does the formal statement answer? to whom is it intended that it should give information? what object does it effect, that would not as completely be accomplished by the statement, to which the demurrer is, for all practical purposes, except oppression and expense,—a mere appendage? To be sure, if this system were adopted, nobody would be obliged to pay money he did not owe, or lose money due to him, because his pleader had put 'this he is ready to verify,' instead of 'this he prays may be inquired of by the country;' because no averment had been made of the matter not necessary to sustain the action, (as in *Hayter v. Moat*, 2 Mee. & W. 56, and *Smith v. Cox*, 11 Mee. & W. 45), and which, at the trial, it would have been impertinent to prove; or because, though a good cause of action was stated clearly, formally, and correctly, it was described as one kind of breach of duty instead of as another, (*Harrison v. Matthews*, 10 Mee. & W. 768); as a debt instead of a damage, (the claim being for money only); or because a plea was bad for duplicity, (*Dietrichsen v. Giubilei*, 14 Mee. & W. 845); or for any other mistake in the unspeakably absurd jargon, in which the lawyers of former days displayed their ignorance of jurisprudence, and the wantonness of their awkward ingenuity. But the professed purpose of special pleading would be attained, and this abundant source of iniquity and oppression would be choked up—a calamity which, as Lord Eldon is not alive to avert it, society sooner or later must prepare itself to undergo. Instead of two statements in trespass, one of which is almost always purposely misunderstood, and therefore leads to a new assignment, as it is called, the fruitful mother of numberless iniquities, one interview, in which the date of the charge or charges meant to be relied upon was distinctly given, would be sufficient. Let any one cast his eye over the reports, ancient or modern, and see whether, if such a system were to prevail, the most revolting folly and flagrant injustice would not be repeatedly avoided.

"In most cases—in all cases of ordinary contract—such an arrangement would be made without the least difficulty. Complicated cases would of course arise, and be much insisted upon by the bigotted enemies of all improvement; but these cases would not only be rare, but would, which is the great object of jurisprudence, be decided, after more or less examination, upon the merits, and it would be impossible for the mistake of a pleader to deprive a man of his unquestionable right. For this (*iterumque iterumque monebo*) is the grand question. In every instance in which a formal objection prevails, that has happened which, if it were always to happen, would destroy society. Wheresoever an objection that could only be taken on special demurrer, as it is called, prevails, reason has been shocked, justice violated, and a citizen deprived of his right as effectually as if he had claimed it before a judge bribed by his antagonist.

"It is in vain to attempt to extenuate such evils. Example, the great argument of civil life, demonstrates their enormity. Let us suppose a judge unfettered by any principle of law—a Roman Prætor for instance, in the early ages of the Commonwealth—would Verres himself have dared to inscribe on his tablet such rules of decision as those by which our reports are now disfigured?"

And again, "Was it not one main duty of the Roman Prætor to release the people from the intolerable burden of forms, unmeaning and obsolete? Would any judge—I will not say any of those who now preside in our courts of justice, and who, by their learning and probity, mitigate to so great a degree the frightful evils of the system,—but would any judge, so long as the faintest spark of equity or reason found refuge in his breast, decide a case, if it were in his power to decide it otherwise, as the cases I have cited are decided? or would he send away a plaintiff because his attorney brought his action on a promise to fulfil an award, instead of on the award itself; or condemn a defendant to pay an unjust demand, because, in his plea (not drawn by himself) two reasons are stated why his adversary's claim is unfounded, instead of one? If a judge, who could help it, was to decide in such a manner, would he not merit the contempt and execration of his species? Is there any anecdote of a corrupt judge transmitted to us—has Cicero preserved any decision of Verres himself—more ludicrously unjust in the eye of calm dispassionate reason than such judgments which, as I have shewn, the law, as it now stands, compels our judges to pronounce? Can anything be said or imagined worse of any judicial system than that, in a vast number of instances, the causes referred to the tribunals of the country are decided without any reference to their merits? Is it to give effect to such quibbles as these, that, as Mr. Hume tells us, all the vast apparatus of government is instituted? Is it to such a distribution of justice as this, that "kings, parliaments, fleets and armies, officers of the revenue, ambassadors, and privy councillors," are subordinate? To enable fraud and rapine to triumph in countless instances—to reason upon precedents established in the dark ages—to rock the grown man in the cradle of the child—to uphold such senseless fictions as the actions of trover and ejectment, the very names of which prove the barbarity of their inventors, are founded upon—to increase the advantages of the rich, and to exasperate the miseries of the poor? "Give me matter and motion," said Descartes, "and I will make a world." "Give me special pleading, said the Norman lawyer, 'and I will take care that the weak is, in a court of law, as well as out of it, the victim of the strong—I will take care that the rich man has at least a chance of getting anything he has a mind to ask for from the poor—I will take care that justice is no sure protection, and injustice no certain cause of defeat.' And can the deformity of such a state of things be exaggerated? Drawing lots—the inspection of a chicken's stomach—the flight of a bird—the neighing of a horse—nay, trial by battle—all these ways of decision, give justice at least an equal chance. The caprice of a king—the passion of a woman—the will of a priest—do not always preclude all possibility of obtaining it. Bridoye, in the fine satire of Rabelais, flings dice to know how he must decide; but with us *the dice are loaded*, in favour of chicane—fraud has an advantage."

Bearing in mind that the pamphlet is professedly an argument against special pleading, and that much may be allowed to the warmth that the mere fact of attacking will always generate in the attacking party, yet is not the language we have quoted a little too strong and inflated for the demerits of the unfortunate victim?—and would not its authorship, if it were

printed without a name, be traced rather to the heated atmosphere of a general debating society, than to the calm and serene precincts of a grave, and, we believe, really able lawyer's chambers? That form may be too much worshipped, none deny. That form is still too much petted in special pleading, is not perhaps to be denied; but this sort of wholesale demand for sweeping away all form, and for deciding everything, as it is termed, *upon the merits*, is mere jargon, which, if listened to, would, in the words of our author himself, destroy society. We use the expression, "deciding on the merits, as it is termed," because in that expression, of deciding on the merits, is wrapped up the fallacy that pervades the whole of Mr. Phillimore's argument. He seems, in common with all other the enemies of forms of pleading, to suppose, that if parties were not tied down to any forms for expressing their legal demands, and their grounds of legal resistance to demands, that of necessity the merits must always come out; and to forget the enormous injustice that might be, and of course, therefore, would be committed, if parties were permitted to state their claims in one way, and try them in another. Let it be ever recollected that the principle upon which set forms of pleading are advocated and sustained is, that a party claiming a right shall tell his adversary what it is that he has to contest, so that the adversary may not, on coming into court, be surprised by finding that he has prepared himself to defend what was never going to be attacked, and has left unprotected the very point that is to be attacked. Where it is said, that a judgment on a question of form is wholly beside the merits, the assertion is only true in this respect, that it does not go to the general merits; but it does decide that particular merit on which the party has thought fit to proceed; and in almost all cases the form neglected to be observed is the symbol of some substantial merit, the absence of which, if the case were gone into upon the general merits, would cause the defeat of the party on the merits as effectually as its non-allegation will upon a preliminary objection to the pleadings, and the non-allegation of which, if it really exists, would tend to that surprise upon the adversary which it is the very essence and object of forms of pleading to prevent. Take, for instance, the simple case of an action brought for breach of a covenant, the breach consisting in not executing a deed, and no allegation that the deed was tendered for execution. It may be that the deed was not, in fact, properly tendered for execution, and the defendant might fail in his proof upon other points, and have proof upon that; but if his attention was not called to it by the plaintiff's pleadings, he might think the point so clear as not to be worth preparing himself with proof. If the forms of pleading did not put it in his power to force the plaintiff, by a preliminary objection, to say whether he intends to prove that point or not, great injustice might, whether by accident or whether by intentional surprise, be worked against the defendant. It would be puerile to multiply instances to shew that it is important, that when men go before a court as litigants, they should state definitely what are the legal rights that they claim; and it would be equally puerile to argue further to shew that the merits in issue are best got at, not by allowing litigants to diverge into endless gossip about their wrongs, as minor litigants do daily in police offices, but by compelling them to ascertain as accurately as may be what are their rights, or supposed rights, actually in issue, and to allege all they insist upon, and no more.

Mr. Phillimore, in his antipathy to special pleading, has fallen into a very common error, that of supposing that equity abhors forms. "Why," says he, (p. 32), "should any forms be requisite in common law more than in equity?" If Mr. Phillimore will take the trouble to refer to a book a little known,

called Daniell's Practice, and to another, also a little known, called Mitford's Pleading, he will find in the former (vol. 1, sect. 5), forty pages on the "form of a bill in equity," and in vol. 2, 213 pages on demurrers and pleas; and in the latter work he will find, out of 332 pages, 200 devoted to demurrers and pleas. And if he will peruse those works, he will find, that in equity, although, from the fact that every suit extends to complete adjudication upon the whole subject-matter of litigation, pleadings may be more licentious than at common law, yet the same broad principle pervades equity pleadings which influence special pleading, viz. that the litigants must let each other know all that they respectively set up as rights; and, if they do not, may be turned round and defeated in the point of form.

While, however, we censure the exaggeration of Mr. Phillimore's Strictures on Pleading, we must not omit to say, that his observations may not be without good effect, because there is undoubtedly much in the existing state of the rules of pleading that may be amended; and while public attention would, perhaps, never be called to the evil by a moderate and philosophical attempt at pointing out details of error, it will be aroused by a daring and earnest onslaught such as Mr. Phillimore's. We must also do him the justice to say, that in some of his observations upon the insufficiency of the law itself to meet the wants, particularly of the poorer classes, he is calling attention to great and crying evils; as, for instance, when he points out that to the poor the law of divorce and separation is inaccessible. (P. 21, notis.)

Further, we will add, that Mr. Phillimore has some good observations on the evil which results from the conflict between the supposition that our judges merely pronounce the law, and the fact that they make it; and we shall conclude by extracting a passage on this subject, in which the author seems to manifest a sound and thoughtful spirit of reform, which we have no doubt is his proper characteristic, when not irritated by the shadow of special pleading.

"The next point," he says, "is judicial legislation. Although much has been written on this subject, I think the argument may be contracted within a very narrow compass. No lawyer can deny that the judges possess, and exercise perpetually the power of making law; that in a vast number of cases which come before them, they may decide either way without injury to their reputation; that their decisions are not only law, but are then always and essentially what law ought rarely (and, perhaps, even in civil matters, not once a century) to be—retrospective. For instance, at one time it was held by the courts, that no person ought to become a proprietor of bills of exchange, under circumstances which would excite the suspicion of a prudent man; and that if it did so, it flung upon him the burden of a most difficult justification; this continued to be the law for several years; all at once this doctrine was overthrown, not by an act of Parliament, the operation of which would only have been prospective, but by a decision, the effect of which, of course, was retrospective, as it proclaimed what the law had always been, and therefore changed the character of all contracts made within six years before that decision. Therefore, a person, who, on a point affecting more or less every member of the mercantile community, had acted on the faith of the former law, would have found, perhaps to his ruin, that he was mistaken. I put this case among thousands, because it is one which spreads its influence over so wide a surface, and therefore illustrates in so plain a manner the evils of the system. So, in the very last volume of Exchequer Reports, the case of *Frith v. Rotherham*, (15 Mee. & W. 45), was decided direct against the authority of a former case, *Dickson v. Cass*, (1 B. & Adol. 343), which last was decided by

Lord Tenterden, Mr. Justice James Parke, Mr. Justice Taunton, Mr. Justice Littledale, and Mr. Justice Bayley; in short, by lawyers as able as ever adorned the bench of justice in this country. A judgment pronounced on this last occasion contains as strong an argument in favour of a code as ever was published by Romilly or Bentham. 'Let us look,' said Baron Parke, 'to the course of decisions, since *Dickson v. Cass*.' (But what is a man to do who cannot look to the course of decisions? and who, if he could turn to a code, might find something to guide him instead of being told to hunt through thirty or forty volumes of 'miscellaneous matter'.")

### Court Papers.

#### EQUITY SITTINGS, HILARY TERM, 10 VICT.

##### Rolls Court.

Before the Right Hon. the MASTER OF THE ROLLS, at Westminster.

Monday ....	Jan. 11	Motions.
Tuesday .....	12	Petitions in General Paper.
Wednesday .....	13	
Thursday .....	14	
Friday .....	15	Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Saturday .....	16	
Monday .....	18	
Tuesday .....	19	
Wednesday .....	20	Motions.
Thursday .....	21	
Friday .....	22	
Saturday .....	23	Pleas, Demurrers, Causes, Further Directions, and Exceptions.
Monday .....	25	
Tuesday .....	26	
Wednesday .....	27	
Thursday .....	28	Motions.
Friday .....	29	
Saturday .....	30	Petitions in General Paper.
Monday ....	Feb. 1	Motions.

Short Causes, Consent Causes, and Consent Petitions every Saturday at the sitting of the court.

Notice.—Consent Petitions must be presented, and copies left with the Secretary, on or before the Thursday preceding the Saturday on which it is intended they should be heard.

### Court of Queen's Bench.

#### NEW TRIALS

REMAINING UNDETERMINED AT THE END OF THE SITTINGS AFTER MICHAELMAS TERM, 1846.

STANDING FOR JUDGMENT.		Devon—Damerello v. Protheroe
Willoughby v. Willoughby		" Schank v. Sweetland
Brooks v. Bockett		Cornwall—Marshall v. Hicks
Same v. Same		Som'act—Doe d. Earl of Egremont v. Williams
Belcher v. Gummow		Bristol—Addison v. Gibson
Rogers v. Brenton		
Doe d. Earl of Egremont v. Langdon		HILARY TERM, 1846.
Musgrove v. Emerson		Midd.—Hunter v. Caldwell
Hope v. Harman		" Doe d. Tebbutt & ors. v. Brent & ors.
Dobson v. Blackmore		Lond.—Whyte v. Burnaby
Doe d. Earl of Egremont v. Courtenay		" Bond v. Nurse
Doe d. Lord Down v. Thompson		" Turner v. Ambler
Same v. Same		" Reg. v. Kensington
Doe d. Goody v. Carter		Midd.—Lovelock v. Franklin
Doe d. Jenkins v. Davies		EASTER TERM, 1846.
Wilkinson v. Haygarth		Midd.—Pemberton v. Vaughan
Smith v. Hopper		" Thompson v. Pettit
Reed v. Hopper		" Vincent v. Dore
		Lond.—Curtis v. Pugh
		" De Freis v. Littlewood
		" Tucker v. Clarkson
		" Reg. v. Parker
MICHAELMAS TERM, 1845.		Kent—Doe d. Jacobs v. Phillips
Durham—Hinde v. Raine		Sussex—Standon v. Christmas
Devon—Mayor, &c. of Exeter v. Harvey & an.		

Sussex—Kine v. Evershed  
 Surrey—Pemberton v. Colls  
       Samuel v. Green  
 Durham—Hills v. Mesnard  
 York—Mountain v. Groves  
       Worth v. Gresham  
 Liverpool—Doe d. Hayward  
       v. Tinslay  
 Chester—Johnson v. Oldfield  
       Davis v. Falk  
       Doe d. Groves v.  
       Groves  
 Glamorgan—Doe d. Richards  
       v. Evans  
       Doe d. Bennett  
       v. Harry  
 Carmarth.—Thomas v. Freder-  
       rick  
       Same v. Same  
 Lincoln—Chapman v. Rawson  
 Stafford—Whitmore v. Leak  
 Hereford—Evans v. Horniatt  
 Glo'ster—Garbett v. Adams  
       Doe d. Dyke v. Dyke  
 Somerset—Parnell v. Smith  
 Devon—Woolmer v. Toby  
 TRINITY TERM, 1846.  
 Midd.—Beale v. Moulds & ors.  
 Lond.—Nicholls v. Atherstone  
       Reg. v. Slesinger

MICH. TERM, 1846.  
 Midd.—Gurney v. Gurney  
       Collett v. Curling  
 Lond.—Boyd v. Royal Ex-  
       change Assurance  
       Co.  
       Herring v. Meteyard  
       Simpson v. Margitson  
 Montgomery—Middleton v.  
       Bedward  
 Carnarvon—Davis v. Williams  
 Chester—Joynson v. Garfitt  
 Notts—Pott & an. v. Flather  
 Leicester—Hassell v. Heming  
 York—Lockwood v. Wood  
 Liv'pool—M'Ewen v. Wood  
       Hobson v. Garner  
 Kent—Nunn v. Jackson  
 Essex—Constable v. Martin  
 Surrey—Carruthers v. West  
 Norwich—Burton v. Scott  
       Linford v. Fitzroy  
 Carmarth.—Bowen v. Owen  
 Devon—Harrison v. Bankart  
 Cornw.—Stevens v. Jeacocks  
 Wilts—Robins v. Fennell  
 Somerset—Reg. v. Chorley  
       Tried during Mich. Term,  
       1846.  
 Midd.—Greville v. Stuls

Reg. v. The Justices of Ely  
 Same v. Gregory  
 Same v. Turner  
 Same v. The East Lancashire  
 Railway Co.

#### Second Day.

Cooke v. Sir W. H. Tonkin  
 Pool & anr. v. Cowan  
 Hardwick & anr. v. Lee  
 \*Smith v. Sparrow the young.  
 Dent v. Clarke  
 \*Amadio v. Showell  
 \*Wright v. Burroughs & orr.  
 \*Rees v. Waters  
 \*Reg. v. Justs. of Suffolk  
 \*Same v. Brookellk & anr.  
 \*Same v. Council of Warwick  
 Same v. Russell  
 \*Same v. Vickrey

#### Third Day.

Johnson v. Abraham  
 Pickford v. Lacon  
 \*Doe d. Hance v. Roe  
 \*Bell v. Visct. Ingestrie  
 Hilton v. Granville  
 \*Williams v. Owens & ors.  
 \*Vollans v. Ayre  
 \*Tagg v. Simmonds  
 Reg. v. The London & South  
 Western Railway Co.  
 Same v. Cooke & an.  
 Same v. The Richmond Rail-  
 way Co.

#### Fourth Day.

\*Fisher v. Jones  
 \*Appleyard v. Pickler  
 \*Sharpe v. Templeman  
 Willeying v. Bignold

### London Gazettes.

TUESDAY, DECEMBER 29.  
 BANKRUPTS.

MARY ANN SHENSTON, St. Martin's-court, St. Martin's-lane, Middlesex, scale manufacturer, (administratrix of the estate and effects of James Templer Shenston), Jan. 15 at half-past 12 and Feb. 9 at 1, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Kell & Chaffers, 43, Bedford-row.—Fiat dated Dec. 23.

WILLIAM WHITSED COLEMAN, Southampton, provision merchant, dealer and chapman, Jan. 5 at 2, and Feb. 9 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Freeman & Co., 39, Coleman-street.—Fiat dated Dec. 24.

HENRY BREWER, Great Waltham, near Chelmsford, Essex, draper and grocer, dealer and chapman, Jan. 9 at 12, and Jan. 30 at 2, Court of Bankruptcy, London: Off. Ass. Follett; Sols. Soles & Turner, 68, Aldermanbury.—Fiat dated Dec. 18.

JOHN BEDDLETON MORRIS, Kingston-upon-Hull, boot and shoe maker, Jan. 13 and Feb. 3 at 10, District Court of Bankruptcy, Kingston-upon-Hull: Off. Ass. Kynaston; Sols. Bell, Hull; Levett & Champney, Hull; Hicks, Gray's-inn, London.—Fiat dated Dec. 16.

JOHN PERCY MOORE, Plymouth, Devonshire, chymist and druggist, dealer and chapman, Jan. 14 and Feb. 4 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. Cross, Plymouth; Terrell, Exeter; Gregory & Co., Bedford-row, London.—Fiat dated Dec. 23.

THOMAS NORTON, Birmingham, builder, Jan. 9 and Feb. 6 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sol. Chesshire, Birmingham.—Fiat dated Dec. 24.

#### MEETINGS.

Benjamin Osborne, Sheffield, Yorkshire, table-knife manufacturer, Jan. 8 at 11, District Court of Bankruptcy, Sheffield, pr. d.—Wm. Marsden, Manchester, commission agent, Jan. 18 at 11, District Court of Bankruptcy, Manchester, last ex.—Wm. Henry Smith, Edgeware-road, Middlesex, linendraper, Jan. 19 at 2, Court of Bankruptcy, London, aud. ac.—William Allen, Wheeler-street, Spitalfields, Middlesex, scale-board manufacturer, Jan. 20 at 1, Court of Bankruptcy, London, aud. ac.—William Kennett and John Hammon Reynolds, Lamb-street, Spitalfields, Middlesex, wax chandlers, Jan. 21 at 11, Court of Bankruptcy, London, aud. ac.—Joseph Wilcox, Little Bell-alley, Moorgate-street, London, tailor, Jan. 21 at 11, Court of Bankruptcy, London, aud. ac.—Tving, Reading, and Basingstoke Railway Company, New Broad-street, London, Jan. 22 at 11, Court of Bankruptcy, London, aud. ac.—Peter Thorne, Castle-st., Leicester-sq., Middlesex, bottled ale merchant, Jan. 21 at 11, Court of Bankruptcy, London, aud. ac.—Wm. Dunn, Vine-st., Piccadilly, Middlesex, licensed victualler, Jan. 21 at half-past 1, Court of Bankruptcy, London, aud. ac.—Edward Eades, Merton, Surrey, auctioneer, Jan. 21 at 1, Court of Bankruptcy, London, aud. ac.—George Knight, Weybridge, Surrey, dealer in manure, Jan. 20 at half-past 1, Court of Bankruptcy, London, aud. ac.—John Sellick Lydden, Birkenhead, Cheshire,

### SPECIAL CASES AND DEMURRERS

FOR HILARY TERM, 1847.

Those marked thus \* are Special cases—the rest are demurrers.

#### STANDING FOR JUDGMENT.

Nicholls v. Stretton  
 Wrightup v. Greenacre  
 Gosling v. Veley & an.  
 Pollitt v. Forest & ors. (Error)  
 Flanders v. Bunbury

#### FOR ARGUMENT.

\*Scadding v. Lorant  
 \*Dale v. Pollard & ors. (Stands  
   over till judgment given in  
   Gosling v. Veley)  
 Sharpe v. Bluck  
 Newton v. Boodle & ors.  
 Newton v. Rose and Norman  
 \*Cobb v. Allan & an.  
 Hutt v. Morrell  
 Williams v. Chambers  
 Blagg v. Gibson & an.  
 Andrewes v. The Right Hon.  
   Baron Lyndhurst  
 Nicoll v. Orgill  
 \*Doe d. Renow & an. v. Ashley  
 \*Doe d. Hawsworth v.  
   Hawsworth  
 Berkley v. Kemp  
       v. Mackey  
 Munden v. Duke of Brunswick  
 Doughty v. Bowman & an.  
 Leatham v. Simmonds & an.  
 Morris v. Duke of Beaufort

\*Watling & an. v. Horwood  
 Ewbank v. Wood  
 Bush v. Weiss  
 Spence & an. v. Chodwick  
 Goddard v. Wray  
 Fernyhough v. Curaham  
 Clayton v. Hozier  
 Bradley v. Barr  
 Minshall v. Roberts  
 Robson v. Oliver & an.  
 \*Doe d. Harris & or. v. Taylor  
 \*Doe d. Biddulph & or. v. Poole  
 Adams v. The Mayor, &c. of  
   Ludlow  
 Bownes v. Marsh (N. O. V.)  
 Wood v. Mytton (Arr. of J.)  
 Barker v. Jervis  
 Berkley v. De Veer  
 Colston v. Adams  
 \*The Churchwardens & c. of  
   St. Nicholas, Deptford, v.  
   Sketchley  
 Harrison v. Gales  
 Hale v. Riviere  
 Parker v. Gill  
 Wilmot v. Batson  
 King v. Marman & ors.  
 Runcunan v. Stanbrough  
 Desoignes v. Burbidge  
 Hall v. Edmonds  
 \*Ellis & ors. v. Russell & ors.  
 Plumer v. Robertson

### ENLARGED RULES

FOR HILARY TERM, 1847.

Those marked thus \* are to be heard in the Bail Court.

#### First Day.

Raworth v. King  
 Bowen v. Minter  
 Exp. Williams, In re Vaughan,  
   in a cause of Bailey & ors.  
   v. Vaughan  
 \*In re Rees & ors.

\*David v. Thomas  
 \*William v. Thomas  
 \*Doe d. Warren v. Brydges  
 \*Same v. Same  
 \*Same v. Same  
 Reg. v. The Dean and Chapter  
   of Chester

chemist, Jan. 19 at 12, District Court of Bankruptcy, Liverpool, and. ac.—*Samuel Wood* the younger, Bagillt, Flint, chert merchant, Jan. 19 at 12, District Court of Bankruptcy, Liverpool, and. ac.—*Wm. Russell, James Knowles, and H. Simister*, Salford, Lancashire, perchers, Jan. 21 at 12, District Court of Bankruptcy, Manchester, and. ac.—*J. Hirst and Joseph Graham*, Dewsbury, Yorkshire, cloth dressers, Jan. 22 at 11, District Court of Bankruptcy, Leeds, and. ac.—*Jas. Greaves*, Stoke-upon-Trent, Staffordshire, ale merchant, Jan. 21 at 12, District Court of Bankruptcy, Birmingham, and. ac.—*Rich. Beckley*, Green-st., St. George's, Hanover-square, Middlesex, grocer, Jan. 19 at half-past 11, Court of Bankruptcy, London, div.—*Daniel Wade Acraman, Wm. E. Acraman, and Alfred John Acraman*, Bristol, merchants, Jan. 21 at 12, District Court of Bankruptcy, Bristol, div. sep. est. of *Wm. E. Acraman*; Jan. 22 at 12, div. sep. est. of *A. J. Acraman*.—*Ch. Frederick Carne and Maurice Telo*, Liverpool, merchants, Jan. 19 at 12, District Court of Bankruptcy, Liverpool, div.—*John Morris*, Crown-street, Finsbury, and Old-street, St. Luke's, Middlesex, leather seller, Jan. 20 at 1, Court of Bankruptcy, London, and. ac.

#### CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on the Day of Meeting.

*Fred. Arnold*, New Bond-street, Middlesex, and Budget-row, London, also of Perry-vale, Sydenham, Kent, stationer, Jan. 22 at 2, Court of Bankruptcy, London.—*John Blyth*, Barnstaple, Devonshire, wine merchant, Jan. 21 at 1, Court of Bankruptcy, London.—*Th. Henry Spence*, Newcastle-upon-Tyne, tailor, Jan. 21 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne.—*J. Shaw*, Bolton-le-Moors, Lancashire, joiner, Jan. 22 at 12, District Court of Bankruptcy, Manchester.—*John Jarvis*, Newton, Manchester, silk manufacturer, Jan. 22 at 12, District Court of Bankruptcy, Manchester.—*W. Imray*, Liverpool, stationer, Jan. 19 at 11, District Court of Bankruptcy, Liverpool.—*W. Maw*, Birkenhead, Cheshire, builder, Jan. 26 at 12, District Court of Bankruptcy, Liverpool.—*Henry Ayres*, Liverpool, jeweller, Jan. 26 at 11, District Court of Bankruptcy, Liverpool.—*J. Marsten*, Birmingham, surgeon, Jan. 21 at 11, District Court of Bankruptcy, Birmingham.—*Richard Lea*, Bewdley, Worcestershire, surgeon, Jan. 21 at 11, District Court of Bankruptcy, Birmingham.—*David Levi*, Birmingham, licensed victualler, Jan. 26 at 11, District Court of Bankruptcy, Birmingham.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Jan. 19.

*Henry Woolcott*, Museum-st., Bloomsbury, Middlesex, fringe manufacturer.—*Robert Newton*, Lincoln, cattle dealer.—*Rich. Mayer*, Loughton, Stoke-upon-Trent, Staffordshire, dealer in ale.—*Wm. Glasscock*, Cambridge, wine merchant.—*George Little*, Liverpool-st., King's-cross, Middlesex, corn chandler.—*Henry Chas. Howells* the younger, Bristol, stock-broker.

#### FIAT ANNULLED.

*Thomas William Clark*, Strood, Kent, licensed common brewer.

#### SCOTCH SEQUESTRATIONS.

*David Anderson*, Dalkeith, nail manufacturer.—*James Robertson*, jun., Glasgow and London, iron merchant.—*Henry Leitch Wilson*, Glasgow, shawl manufacturer.—*Thos. Abercromby Duff*, Esq., Haddo, partner of the Aberdeen North American Investment and Loan Company.—*Robert Russell*, deceased, Coatbridge, Old Monkland, Lanark, baker.—*Neil Shaw*, Glasgow, shipowner.—*Henry Atwood Skeets*, Perth, coal dealer.

#### INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

*George Searle*, East-st., Globe-road, Mile-end, Middlesex, shopman to a tailor, Jan. 7 at 11, Court of Bankruptcy, London.—*Wm. Barkshire*, Reading, Berkshire, baker, Jan. 7 at 11, Court of Bankruptcy, London.—*Leonard Benj. Bell*, Southampton, retailer of beer, Jan. 7 at 11, Court of Bankruptcy, London.—*Wm. Barnsdall*, Liverpool, cook, Jan. 22 at 11, District Court of Bankruptcy, Liverpool.—*Chas. Forrester*, Shelton, Stoke-upon-Trent, Staffordshire, collier, Jan. 2 at 12, District Court of Bankruptcy, Birmingham.

Saturday, Dec. 26.

The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.

*Isaac Baynton*, Crab-tree North-fields, Peckham, Surrey, commission agent for the sale of ales, No. 58,389 T.; *George Seal*, assignee.—*Wm. Elmore*, Bluntisham, Huntingdonshire, labourer, No. 67,733 C.; *John King Watts*, assignee.—*Margaret Eliza Collyer*, Mill-street, Lambeth, Surrey, No. 57,233 T.; *James Bagster Lyall*, assignee.

Saturday, Dec. 26.

Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—  
(On their own Petitions).

*Hen. G. Clarke*, Cornwall-road, Stamford-st., Blackfriars-road, Surrey, out of business; in the Debtors Prison for London and Middlesex.—*Jos. Q. Henderson*, Garden-house, Dalston-green, Hackney, Middlesex, attorney's clerk: in the Debtors Prison for London and Middlesex.—*Geo. Longmore*, Lansdowne-pl., Brunswick-sq., Middlesex, and Maidstone-wharf, Queenhithe, London, rag merchant: in the Queen's Prison.—*Geo. Layland*, Kent-street, Southwark, Surrey, millwright: in the Gaol of Surrey.—*Thos. Parkins*, Fleet-street, London, tailor: in the Debtors Prison for London and Middlesex.—*Sam. Browning*, Philpot-st., Commercial-road East, Middlesex, retired master mariner: in the Debtors Prison for London and Middlesex.—*John Dickenson*, Winter-terrace, St. Mary, Newington, Surrey, commission agent: in the Queen's Prison.

(On Creditor's Petition).

*John Jukes*, Mortlake, Surrey, patentee: in the Queen's Prison.

(On their own Petitions).

*Wm. Hallett*, Prestbury, near Macclesfield, Cheshire, out of business: in Chester Castle.—*Hen. Wilson*, Shrivensham, near Farringdon, Berkshire, baker: in the Gaol of Reading.—*John Baron*, Watton, Hertfordshire, baker: in the Gaol of Hertford.—*Thos. F. Hill*, Hereford, tailor: in the Gaol of Hereford.—*Benj. Wade*, Stibbard, Norfolk, labourer: in the Gaol of Norwich.

The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Wednesday, Jan. 13, at 9.

*Joseph Sear*, London-terrace, Hackney-road, Middlesex, coffee-shop keeper.—*Roger Robson*, Jeffery's-terrace, Bridge-street East, Mile-end, Old-town, Middlesex, and Mascov-court, Trinity-sq., Tower-hill, London, provision merchant.—*Aaron Lyons*, Princes-square, Ratcliff-highway, Middlesex, cabinet maker.—*Geo. Snelgrove*, Camomile-st., Bishopsgate, London, account-book manufacturer.—*John Jones*, Peter's-lane, St. John-st., Middlesex, tailor.—*Jas. Lucy*, Burton-st., Burton-crescent, Middlesex, attorney's clerk.

#### INSOLVENT DEBTORS' DIVIDENDS.

*James Lea*, St. Swithin, Worcestershire, cattle dealer: 1s. 3½d. in the pound.—*Henry Bennett*, Liquorpond-street, Holborn, Middlesex, out of business: 7s. 6d. in the pound.—*John Trivick*, Titchfield, Southampton, master in the royal navy: 3s. 6d. in the pound.—*Thos. B. Rigg*, Kimbolton-pl., Fulham-road, Middlesex, a retired clerk in the Army Pay-office: 4s. 8d. in the pound.—*Thos. Deane*, East-st., Greenwich, Kent, clerk in Somerset-house: 7s. in the pound, (making, with former dividends, 20s.)—*John Francis*, Cheltenham-place, Westminster-road, Lambeth, Surrey, messenger in the office of the affairs of the India Board: 6s. 6d. in the pound.—*Alfred Willsher*, John-st., Union-st., Lambeth, Surrey, cabriolet proprietor: 2s. 9d. in the pound.—*Jas. G. Bradley*, Park-street, Camden-town, Middlesex, artist, 1s. 7½d. in the pound.—*Wm. Woolley*, Dudley, Worcestershire, jobbing smith: 2s. 8d. in the pound.—*Chas. Aneur*, Truro, Cornwall, hair dresser: 1s. 8d. in the pound.—*Henry John Paddon*, Plymouth, Devonshire, auctioneer: 10½d. in the pound.—*Francis Kindon*, Green-heys, Manchester, laceman: 2s. 3½d. in the pound.—*Jonathan Swann*, Norwich, licensed dealer in tobacco: 1s. 8½d. in the pound.

Apply at the Provisional Assignee's Office, Portugal-street, Lincoln's-inn-fields, between the hours of 10 and 1.

*Benj. Edw. Pote*, late in the employ of the General Post-office, Ford's, 8, Henrietta-st., Covent-garden: 3s. 6d. in the pound.

#### MEETINGS.

*Wm. Lucy*, St. Helen, Worcestershire, hair dresser, Jas.

14 at 10, Huxley, Worcestershire, sp. aff.—*George Logan*, Croydon-common, Surrey, out of business, Jan. 14 at 12, Masterman's, Wine-offices-court, Fleet-st., London, sp. aff.

## FRIDAY, JAN. 1.

## BANKRUPTS.

**GEORGE WHITE**, Chichester, Sussex, patten and last maker, and cork cutter, dealer and chapman, Jan. 11 at half-past 1, and Feb. 8 at 11, Court of Bankruptcy, London: Off. Ass. Turquand; Sols. Staniland & Long, Bouverie-st., for John Sherwood, Chichester.—Fiat dated Dec. 22.

**GEORGE FREDERICK HOWE**, Chester-place, Kennington, Surrey, merchant, (trading at Calcutta with Charles H. Howe, under the firm of Howe, Brothers, and previously with George Teil and Basil Mackenzie Ronalds, at Calcutta, and Old Jewry-chambers, London, as merchants, under the firm of George Teil, Howe, & Co.), Jan. 20 at half-past 1, and Feb. 16 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Lawrence & Plews, Old Jewry-chambers, Old Jewry, City.—Fiat dated Dec. 28.

**PETER ALLAN HANNAFORD**, Exeter, bookseller and stationer, dealer and chapman, Jan. 14 at 1, and Feb. 10 at 11, District Court of Bankruptcy, Exeter: Off. Ass. Herniman; Sols. Stogdon, Exeter; Freeman & Co., Coleman-street, London.—Fiat dated Dec. 28.

**WILLIAM GIBBS**, Welford, Gloucestershire, baker and butcher, Jan. 15 and Feb. 16 at 1, District Court of Bankruptcy, Bristol: Off. Ass. Millar; Sol. Wilkes, Gloucester.—Fiat dated Dec. 15.

**ROBERT KIRKE**, Llanelly, Carmarthenshire, coal dealer, Jan. 19 and Feb. 12 at half-past 11, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sols. Chitty, Shaftesbury, Dorsetshire; Venning & Co., Tokenhouse-yard, London.—Fiat dated Dec. 28.

**JOHN WILKINSON**, Stockton-upon-Tees, Durham, ship owner, wharfinger, dealer and chapman, Jan. 15 and Feb. 16 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Allison, Darlington; Philipson, Newcastle-upon-Tyne; Tilson & Co., 29, Coleman-street, London.—Fiat dated Dec. 15.

**JOHN GRIFFITHS**, Liverpool, wholesale stationer, dealer and chapman, Jan. 12 and Feb. 9 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Sols. Tyrer, Liverpool; Chester & Co., Staple-inn, London.—Fiat dated Dec. 28.

**THOMAS ROBINSON**, Wavertree, near Liverpool, builder, dealer and chapman, Jan. 19 and Feb. 9 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Robinson, Liverpool; Vincent & Co., Temple, London.—Fiat dated Dec. 23.

## MEETINGS.

*Robert Hayward Beart*, Great Yarmouth, Norfolk, wine merchant, Jan. 14 at 12, Court of Bankruptcy, London, last ex.—*Joseph Haynes*, Aldermanbury, London, woollen ware-houseman, Jan. 13 at 12, Court of Bankruptcy, London, last ex.—*David Pattie*, St. Alban's-place, Edgeware-road, Middlesex, stationer, Jan. 22 at 1, Court of Bankruptcy, London, and. ac.—*Ch. Gordon Matthews J. Hopkins*, Portman-street, Portman-square, Middlesex, tailor, Jan. 23 at half-past 12, Court of Bankruptcy, London, and. ac.—*Thomas Mercer*, Albury, Surrey, dealer and chapman, Jan. 23 at half-past 1, Court of Bankruptcy, London, and. ac.—*Joseph B. Bloomfield* the younger, Poole, chemist, Jan. 23 at 1, Court of Bankruptcy, London, and. ac.—*F. Waters*, Church-st., Hackney, Middlesex, cheesemonger, Jan. 23 at half-past 12, Court of Bankruptcy, London, and. ac.—*R. Arcott*, Kingsland-road, Middlesex, grocer, Jan. 23 at 12, Court of Bankruptcy, London, and. ac.—*T. Blackman*, Beddenden, Kent, house agent, Jan. 23 at 12, Court of Bankruptcy, London, and. ac.—*Jas. Shaw*, Exeter-st., Sloane-st., Knightsbridge, Middlesex, licensed victualler, Jan. 23 at half-past 11, Court of Bankruptcy, London, and. ac.—*Ed. Williams*, Bishopsgate-st., London, linendraper, Jan. 23 at half-past 11, Court of Bankruptcy, London, and. ac.—*Abraham Frobout* the younger, Steward-street, Spitalfields, Middlesex, silk manufacturer, Jan. 23 at 11, Court of Bankruptcy, London, and. ac.—*Sam. Noller*, Ipswich, Suffolk, innkeeper, Jan. 23 at 11, Court of Bankruptcy, London, and. ac.—*Hen. Jas. Palmer*, Wantage, Berkshire, grocer, Jan. 25 at 11, Court of Bankruptcy, London, and. ac.—*Wm. Hopeful Lerew*, Upper Norton-street,

Fitzroy-square, Middlesex, apothecary, Jan. 26 at 12, Court of Bankruptcy, London, and. ac.—*Charles Fred. Carne* and *Maurice Telo*, Liverpool, merchants, Jan. 22 at 12, District Court of Bankruptcy, Liverpool, and. ac.—*Thomas Roberts*, Liverpool, commission agent, Jan. 26 at 11, District Court of Bankruptcy, Liverpool, and. ac.—*Nicholas Roskell*, Liverpool, merchant, Jan. 27 at 11, District Court of Bankruptcy, Liverpool, and. ac.; Jan. 29 at 11, div. joint and sep. est.—*Wm. Isaac Barker*, Sunderland, Durham, auctioneer, Jan. 26 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac.; Jan. 28 at 11, div.—*Thomas Maddocks*, Longton, Stoke-upon-Trent, victualler, Jan. 26 at 11, District Court of Bankruptcy, Birmingham, and. ac.—*Jabez Russell* the younger, Whittlesea, Isle of Ely, Cambridgeshire, builder, Jan. 22 at half-past 11, Court of Bankruptcy, London, div.—*Sarah Wileke*, Fore-st., Cripplegate, London, wholesale milliner, Jan. 22 at 12, Court of Bankruptcy, London, div.—*Phillips Matthews Chitty*, Shaftesbury, Dorsetshire, scrivener, Jan. 22 at 12, Court of Bankruptcy, London, div.—*J. Lamont*, *J. D. Stewart*, and *J. Matravvers*, Skinner-street, Bishopsgate, London, brewers, Jan. 22 at half-past 11, Court of Bankruptcy, London, div.—*Wm. Chambers*, Southwick, Durham, shipwright, Jan. 26 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, div.—*Alfred Johnson*, South Shields, Durham, printer, Jan. 26 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, div.—*Joseph Wilecox*, Little Bell-alley, Moorgate-street, London, tailor, Jan. 25 at 12, Court of Bankruptcy, London, div.

## CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Jas. Churchyard*, Sutherland-terrace, Cole Harbour-lane, Brixton, Surrey, carpenter, Jan. 25 at 11, Court of Bankruptcy, London.—*Chas. Dorrington*, Digswell-mill, Digswell-hill, near Welwyn, Hertfordshire, miller, Jan. 25 at 12, Court of Bankruptcy, London.—*Hen. Jas. Palmer*, Wantage, Berkshire, grocer, Jan. 25 at 11, Court of Bankruptcy, London.—*Wm. Hopeful Lerew*, Upper Norton-street, Fitzroy-square, Middlesex, apothecary, Jan. 26 at 12, Court of Bankruptcy, London.—*John Howard*, Treffdreith, Anglesea, and *Wm. Lee*, Bampton, Southampton, brickmakers, Jan. 26 at 11, Court of Bankruptcy, London.—*G. Greenstock*, Weston-super-Mare, Somersetshire, ironmonger, Jan. 25 at 12, District Court of Bankruptcy, Bristol.—*William Isaac Barker*, Sunderland, Durham, auctioneer, Jan. 28 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Ebenezer Hodgson*, Richmond, Yorkshire, ironmonger, Jan. 26 at 11, District Court of Bankruptcy, Leeds.—*Wm. Clay* and *James Clay*, Sowerby-bridge, Halifax, Yorkshire, woollen manufacturers, Jan. 26 at 11, District Court of Bankruptcy, Leeds.—*John Lester*, Pen-y-gelle-lodge, near Wrexham, Denbighshire, farmer, Jan. 22 at 12, District Court of Bankruptcy, Liverpool.—*Thos. Broady*, Chester, chemist, Jan. 22 at 12, District Court of Bankruptcy, Liverpool.—*Jas. May*, Redruth, Cornwall, stationer, Jan. 27 at 11, District Court of Bankruptcy, Exeter.—*Henry Gouldsbrough*, Lower Broughton, Manchester, sharebroker, Jan. 25 at 12, District Court of Bankruptcy, Manchester.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Jan. 22.*

*James Tuckett*, Exeter, herbalist.—*Joe. Turner*, Ludgate-hill, London, jeweller.—*Francis Freeman Phillips*, Bristol, coachmaker.—*Thos. Bougfield*, Lincoln, ironmonger.—*Mich. Wilson Osborne*, Coventry, Warwickshire, grocer.—*Richard Crompton*, Shrigley, Cheshire, brickmaker.—*James Plumley*, Reading, Berkshire, stonemason.—*Daniel Burton* and *John Burton*, Middleton, Lancashire, cotton spinners.

## PARTNERSHIP DISSOLVED.

*Henry Wm. Sole*, *Wm. Chas. Sole*, and *Fred. Turner*, Aldermanbury, London, attorneys and solicitors.

## SCOTCH SEQUESTRATIONS.

*John Easton* and *John Brown*, Campsie, wrights.—*David Bain*, Edinburgh, linen merchant.

## INSOLVENT DEBTORS.

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Sam. Biggs*, Oxford, retailer of beer, Jan. 14 at 11, Court of Bankruptcy, London.—*John Ryley*, Flower's-buildings, Holloway-road, Middlesex, ironmonger, Jan. 14 at 11, Court



of Bankruptcy, London.—*Jos. E. Phipps*, Turner's-retreat, Grange-road, Bermondsey, Surrey, file cutter, Jan. 14 at 12, Court of Bankruptcy, London.—*Wm. Collings*, Cambridge-place, Kingsland-road, Shoreditch, Middlesex, boot maker, Jan. 14 at 11, Court of Bankruptcy, London.—*Adam Ray-stolz*, Somers-place, New-road, St. Pancras, Middlesex, coach builder, Jan. 14 at 12, Court of Bankruptcy, London.—*Thos. Wm. Brown*, Woodcote-place, Lower Norwood, Surrey, clerk in the Admiralty department, Custom-house, London, Jan. 15 at 12, Court of Bankruptcy, London.—*Elias Moss*, Petticoat-lane, Middlesex-st., Whitechapel, Middlesex, coal dealer, Jan. 15 at half-past 11, Court of Bankruptcy, London.—*Denis Murphy*, Clarendon-square, Somers-town, Middlesex, carpenter, Jan. 12 at 11, Court of Bankruptcy, London.—*James Dean*, Eboness-terrace, Turner-street, Whitechapel, Middlesex, bricklayer, Jan. 12 at 11, Court of Bankruptcy, London.—*Thos. D. Ward*, Chandos-street, Covent-garden, Middlesex, painter, Jan. 14 at 11, Court of Bankruptcy, London.—*Thos. Saele*, Beaulieu-hill, Norwood, Surrey, postman, Jan. 13 at 11, Court of Bankruptcy, London.—*Sam. Wild*, Stockport, Cheshire, brewer, Jan. 11 at 12, District Court of Bankruptcy, Manchester.—*John Wagstaff*, Salford, Lancashire, hatter, Jan. 11 at 12, District Court of Bankruptcy, Manchester.—*Ann Pearce*, Exeter, grocer, Jan. 19 at 11, District Court of Bankruptcy, Exeter.—*John Beadle*, Bennington, Hertfordshire, dealer in poultry, Jan. 21 at 11, Court of Bankruptcy, London.—*Edw. H. Lejeune*, Southampton, out of business, Jan. 21 at 11, Court of Bankruptcy, London.—*Geo. Richards*, Elstree-st., Somers-town, Middlesex, stone mason, Jan. 20 at 11, Court of Bankruptcy, London.—*Jas. Woods*, Little Chapel-st., Westminster, Middlesex, baker, Jan. 12 at 11, Court of Bankruptcy, London.—*Thos. Wm. Phomb*, Brighton, Sussex, baker, Jan. 12 at 11, Court of Bankruptcy, London.—*Jas. Wm. French*, Greville-street, Hatton-garden, Middlesex, clerk to an attorney, Jan. 12 at 11, Court of Bankruptcy, London.—*James Shead*, Halstead, Essex, butcher, Jan. 14 at 11, Court of Bankruptcy, London.—*Obadiah Howl*, Darlaston, Staffordshire, licensed to brew and sell ale, Jan. 19 at half-past 11, District Court of Bankruptcy, Birmingham.—*John Duddridge*, Lonk, near Coleford, Gloucestershire, hallier, Jan. 14 at 11, District Court of Bankruptcy, Bristol.—*Thos. V. Wood*, Clarence-st., Bethnal-green, Middlesex, out of business, Jan. 14 at 11, Court of Bankruptcy, London.—*Thos. Crews*, New-road, Gravesend, Kent, hosiery, Jan. 15 at 11, Court of Bankruptcy, London.—*Wm. Dalton*, Whilton, near Hounslow, Middlesex, clerk and assistant to a dressing-case maker, Jan. 15 at 11, Court of Bankruptcy, London.—*Geo. James*, Sandford, near Winscombe, Somersetshire, out of business, Jan. 21 at 11, District Court of Bankruptcy, Bristol.—*John Perkins*, Kidderminster, Worcestershire, eating-house keeper, Jan. 26 at 11, District Court of Bankruptcy, Birmingham.—*Wm. Ball*, St. Werburg, Derby, attorney's clerk, Jan. 8 at 11, District Court of Bankruptcy, Nottingham.

The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Friday, Jan. 15, at 9.

*James Waiye*, Parkfield-street; Liverpool-road, Islington, Middlesex, commercial traveller.—*Geo. Smith*, Upper North-street, Caledonian-road, King's-cross, Middlesex, out of business.—*Richard Martin*, Wandsworth-road, Nine-elms, Surrey, labourer.—*Wm. Boulter*, Pockock's-fields, near Liverpool-road, Islington, Middlesex, wheelwright.—*A. Bruce*, Allan-street, Cross-street, Islington, Middlesex, stonemason.—*Wm. Barr*, Nassau-street, Middlesex, bricklayer.

Jan. 18, at the same hour and place.

*James Barnett* the younger, Hillington, near Cowley, near Uxbridge, Middlesex, hurdle maker.—*John Dyer*, Wenlock-street, City-road, Middlesex, not in any business.—*John E. Stewari*, City-road, Middlesex, picture-frame glider.—*Joseph Quarre Henderson*, Garden-house, Dalston-green, Middlesex, attorney's clerk.—*John Chmenson*, Little Russell-street, Bloomsbury-square, Middlesex, veterinary surgeon.—*Henry Green Clarke*, Cornwall-street, Stamford-street, Blackfriars-road, Surrey, not in business.

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ROBERT MAUGHAM, Secretary.

Law Society's Hall, 31st December, 1846.

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**FOURTH DIVISION OF PROFITS.**—An Extraordinary General Meeting of the Proprietors of this Society will be held at the Office, in Great Russell-street, on Thursday, the 7th day of January ensuing, at 11 o'clock precisely, for the purpose of declaring a Bonus out of the Profits which have accrued from the General Business of the Society during the five years ending June 30th, 1846, and at that Meeting the persons concerned have the right of being present.

The same Meeting will be made special in order that the Proprietors may take into consideration the expediency of amending and altering some of the existing Laws, Regulations, and Provisions of the Society, pursuant to the Deed of Constitution.

GEO. H. PINCKARD, Secretary.

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# The Jurist

No. 522—VOL. X.

JAN. 9, 1847.

Price 1s., with Supplement, 1s. 6d.

\* \* *The following are the Names of the Gentlemen who favour THE JURIST with Reports of Cases argued and decided in the several Courts of Law and Equity:—*

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Privy Council .....	{ TENISON EDWARDS, Esq. of the Inner Temple, Barrister at Law.	Court of Queen's Bench .....	{ G. J. P. SMITH, Esq. of the Inner Temple, Barrister at Law.
The Lord Chancellor's Court .....	{ A. GORDON, Esq. of the Inner Temple, Barrister at Law.	Queen's Bench Bail Court .....	{ A. V. KIRWAN, Esq. of Gray's Inn, Barrister at Law.
Master of the Rolls Court .....	{ G. Y. ROBSON, Esq. of the Inner Temple, Barrister at Law.	Court of Common Pleas, including Appeals under Registration of Voters Act. ....	{ D. POWER, Esq. of Lincoln's Inn; and W. PATERSON, Esq. of Gray's Inn, Barristers at Law.
Vice-Chancellor of England's Court .....	{ TENISON EDWARDS, Esq. of the Inner Temple, and CHARLES MARETT, Esq. of the Inner Temple, Barristers at Law.	Court of Exchequer ....	{ W. M. BEST, Esq. of Gray's Inn, Barrister at Law.
Vice-Chancellor Knight Bruce's Court .....	{ W. W. COOPER, Esq. of the Inner Temple, Barrister at Law.	Ecclesiastical and Admiralty Courts .....	{ J. P. DEANE, D.C.L. of Doctors Commons.
		Court of Review .....	{ W. W. COOPER, Esq. of the Inner Temple, Barrister at Law.

LONDON, JANUARY 9, 1847.

THE recent seizure at Gravesend of The Glenelg and of two war steam-vessels, and the proceedings which have been taken against the principal parties connected with their equipment, on the ground of their having contravened the Foreign Enlistment Act, (59 Geo. 3, c. 69), render this a fitting opportunity for some remarks upon the subject. This is, we believe, the first instance in which the provisions of the statute have been put into operation, and it involves questions of considerable importance in reference to the relations between this and foreign governments.

The facts of the case are, we believe, these. In the month of November last the government received intelligence that several vessels had been purchased, and that a number of persons had been enrolled in the service of General Flores, for the purpose of making an hostile expedition to the Ecuador. Measures were immediately adopted to stop the intended voyage; the ships were seized as forfeitures to the Crown by officers of the Customs; and prosecutions are now pending against several parties, who are charged with having acted in the matter. We shall, of course, in referring to a case still sub judice, avoid remarks applicable to the particular facts, and confine ourselves to a mere general statement of the law upon this subject.

It is one of the essential prerogatives of the ruling power of any state, that it should possess a control over its own subjects in relation to their dealings with foreign governments. Were it not so, innumerable questions would arise, dangerous to the peace and welfare of kingdoms. The private rights of an individual member of society and the public rights of a state,—the combined form of the members of society,—are clearly distinct in their character, and should be preserved each in their integrity.

The preservation of peace and the due separation of power form undoubtedly the grounds on which the state exercises its interference in this respect; but obvious arguments occur in addition for the assertion of this right. It frustrates many of the schemes by which the unwary and ignorant would be induced to leave their country under false representations as to the advantages which would await them on their arrival in a foreign land. Many who embarked as emigrants, expecting to derive benefits from their peaceful labour, would, probably, on their debarkation, be summoned to engage in military operations.

Although several statutes have been passed to prevent enlistment in foreign service without the consent of the Sovereign, yet the offence is one, as we might have anticipated, not unknown to our common law.

Either to enter into such service without such consent, or to contract any engagement inconsistent with the allegiance due to our own Sovereign, is a high misdemeanour at the common law. (1 East, P. C., c. 2, s. 23; 3 Inst. 144; 4 Bl. Comm. 122). It is a contempt of the monarch's prerogative for a subject to prefer the interests of a foreign potentate, or to do or receive anything that may create an undue influence in favour of such extrinsic power. This rule has been carried so far, that a subject, without the royal permission, is not allowed even to receive a pension from another state. Thus, we find, in the third Institute, (p. 144), "It is not lawful for any subject of the King of England to take a pension of any foreign king, prince, or state, (without the king's license), albeit they be in league with the King of England, both for that they may become enemies, and for that also it is mischievous and dangerous to the king himself."

By 3 Jac. 1, c. 4, s. 18, it was enacted, "that every subject of this realm that shall go out of this realm to serve any foreign prince, or state, or person, shall be liable to the laws of this realm."



the seas, and shall voluntarily serve any such foreign prince, not having before his going taken the oath of obedience, shall be a felon." Upon the construction of this act, it was considered, that, if a party went out of the realm with intent to serve a foreign state, though he did not serve in fact, or if a party actually so served, though he did not go over for that purpose, he was within the statute. (3 Inst. 80; 1 East, P. C., c. 2, s. 23). The principal act, however, now in force, and under the provisions of which the proceedings now pending have been taken, is the 59 Geo. 3, c. 69.

By that statute, after reciting that the enlistment or engagement of His Majesty's subjects to serve in war in foreign service, without His Majesty's license, and the fitting out of vessels without such license, for warlike operations against the dominions of any foreign prince, may be prejudicial to, and tend to endanger the peace and welfare of the kingdom, it is in substance enacted, that if any natural-born subject, without the leave of His Majesty under the sign-manual, or signified by order in council, or by proclamation, shall accept or agree to accept any military commission, or shall enlist or agree to enlist as a soldier, or to serve in any warlike operation in the service of or for any foreign prince or state, or of any person exercising, or assuming to exercise, the powers of government over any foreign country, or to serve as a sailor or marine, or to be employed on board any vessel of war, or any vessel used, fitted out, equipped, or intended to be used for any warlike purpose in the service of any foreign power, or of any person exercising, or assuming to exercise, the powers of government over any foreign country or people; or if any such natural-born subject shall, without such leave, engage to go, or shall go, to any foreign state, with intent to enlist or serve in any warlike or military operations whatever in the service aforesaid, although no enlisting-money may have been actually paid or received in either of the aforesaid cases; or if any person whatever, within any part of His Majesty's dominions, shall hire or procure (or attempt to do so) any person to enlist in any such service, whether any enlisting-money be given or not, every person so offending shall be deemed guilty of a misdemeanour, and be punishable by fine and imprisonment, or either of them.

By the 4th section, these offences, if committed in England, are to be tried in the Court of King's Bench.

By the 5th section, vessels, with persons on board engaged in foreign service, may be detained by any of the principal officers of the customs, upon information on oath given before them.

By the 6th section, masters or other persons having the command of the vessel, knowingly taking on board persons enlisted contrary to the act, shall forfeit 50*l*. for every person so received on board; and every such ship may be seized and detained by the collector or other officer of the customs until such penalty be paid, or bail given.

By the 7th section, any person, without the leave of the king as aforesaid, equipping, fitting out, or arming any vessel with intent that it shall be employed on foreign service as aforesaid, or to commit hostilities against any prince or state with whom his Majesty shall not then be at war; or any person issuing a commission for

any vessel to be so employed, shall be deemed guilty of a misdemeanour; and every such vessel, together with all the stores, tackle, and furniture, shall be forfeited, and it may be prosecuted and condemned as in other cases of the forfeiture of vessels to the Crown.

By the 8th section, every person who shall, without license as aforesaid, increase or augment the warlike force of any ship of war or other armed vessel which is in foreign service as aforesaid, shall be deemed guilty of a misdemeanour. Provision is then made in subsequent sections for the trial in Westminster of any of these offences committed out of the kingdom, and for excluding the operation of the act from all persons who enter into military service in Asia, with leave from the Governor-General in Council.

#### INNER TEMPLE.—HILARY TERM, 1847.

The Reader of the Inner Temple will proceed in his Course in the Inner Temple Hall, on Wednesday the 13th, Wednesday the 20th, and Wednesday the 27th January, 1847, at half-past seven precisely each day.

The subject of the Readings will be, "The Laws of England, which restrain Communication by Words, Pictures, or other Signs."

Members of the other Inns of Court desirous of being present, are invited to attend; and strangers are requested to apply at the Treasurer's Office, Inner Temple, for orders of admission.

#### Court Papers.

#### EQUITY SITTINGS, HILARY TERM, 10 VET. 1847.

##### Court of Chancery.

*Before the LORD CHANCELLOR, at Westminster.*

Monday ....	Jan. 11	Appeal Motions.
Tuesday .....	12	(General Petition-day).—Petitions.
Wednesday .....	13	} Appeals.
Thursday .....	14	
Friday .....	15	
Saturday .....	16	
Monday .....	18	
Tuesday .....	19	} Appeal Motions.
Wednesday ....	20	
Thursday .....	21	
Friday .....	22	
Saturday .....	23	} Appeals.
Monday .....	25	
Tuesday .....	26	
Wednesday ....	27	
Thursday .....	28	} Appeal Motions.
Friday .....	29	
Saturday .....	30	} (Petition-day).—Petitions (unopposed only) and Appeals.
Monday ....	Feb. 1	

##### Vice-Chancellors' Courts.

*Before the VICE-CHANCELLOR OF ENGLAND, at Westminster.*

Monday ....	Jan. 11	Motions
Tuesday .....	12	(General Petition-day).—Petitions.
Wednesday .....	13	} Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Thursday .....	14	
Friday .....	15	} Short Causes, Unopposed Petitions, and Causes.
Saturday .....	16	
Monday .....	18	} Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Tuesday .....	19	
Wednesday ....	20	

Thursday .....	21	Motions.
Friday .....	22	(Petition-day). — Unopposed first, Short Causes, and Causes.
Saturday .....	23	
Monday .....	25	Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Tuesday .....	26	
Wednesday .....	27	
Thursday .....	28	Motions.
Friday .....	29	(Petition-day). — Unopposed first, Short Causes, and Causes.
Saturday .....	30	Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Monday .... Feb. 1		Motions.

*Before VICE-CHANCELLOR KNIGHT BRUCE, at Westminster.*

Monday .... Jan. 11		Motions and Causes.
Tuesday .....	12	(General Petition-day). — Petitions and Causes.
Wednesday .....	13	Bankrupt Petitions.
Thursday .....	14	Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Friday .....	15	
Saturday .....	16	Short Causes and Ditto.
Monday .....	18	Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Tuesday .....	19	
Wednesday .....	20	Bankrupt Petitions and Ditto.
Thursday .....	21	Motions and Causes.
Friday .....	22	(Petition-day). — Petitions and Causes.
Saturday .....	23	Short Causes and Causes.
Monday .....	25	Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Tuesday .....	26	
Wednesday .....	27	Bankrupt Petitions and Ditto.
Thursday .....	28	Motions and Causes.
Friday .....	29	(Petition-day). — Petitions and Causes.
Saturday .....	30	Short Causes and Causes.
Monday .... Feb. 1		Motions and Causes.

*Before VICE-CHANCELLOR WIGRAM, at Westminster.*

Monday .... Jan. 11		Motions and Causes.
Tuesday .....	12	
Wednesday .....	13	Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Thursday .....	14	
Friday .....	15	
Saturday .....	16	Short Causes, Cause Petitions, (unopposed first), and Causes.
Monday .....	18	Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Tuesday .....	19	
Wednesday .....	20	
Thursday .....	21	Motions and Ditto.
Friday .....	22	Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Saturday .....	23	Short Causes, Cause Petitions, (unopposed first), and Causes.
Monday .....	25	Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Tuesday .....	26	
Wednesday .....	27	
Thursday .....	28	Motions and Ditto.
Friday .....	29	Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Saturday .....	30	Short Causes, Cause Petitions, (unopposed first), and Causes.
Monday .... Feb. 1		Motions and Causes.

**EQUITY CAUSE LISTS, HILARY TERM, 1847.**

\* \* The following abbreviations have been adopted to abridge the space the Cause Papers would otherwise have occupied:—*A.* Abated—*Adj.* Adjourned—*A. T.* After Term—*Ap.* Appeal—*C. D.* Cause Day—*C. Costs*—*D.* Demurrer—*E.* Exceptions—*F. D.* Further Directions—*M.* Motion—*P. G.* Pro Confesso—*Pl.* Plea—*Ptn.* Petition—*R.* Re-hearing—*S. O.* Stand Over—*Sh.* Short.

**Halls Court.**

JUDGMENTS.		PLEAS AND DEMURRERS.
Hicks v. Lord Alvanley (Pl)		Dean of Ely v. Gayford (6 Pl)
S O		S O
Ottley v. Gray (Cause)		Purdes v. Lazarai (Pl)

Welham v. Welham (Objections for want of parties)  
Same v. Same (Objections, &c.)  
Suffield v. Bond (E)

**CAUSES.**

Walton v. Petter 3rd C D,  
*Easter Term*  
A. J. B. Hope v. Hope 3rd C D  
A. J. Hope v. Hope 3rd C D  
H. J. Hope v. Hope 3rd C D  
Hale v. Lord (E) S O to  
Bexley *Alc Supp.*  
Ditto v. Ditto *Bill*  
Hodgkinson v. Cooper (E,  
pt. hd.) 3rd C D, *Easter T.*  
Churchman v. Capon (F D, C,  
part heard) 3rd C D, *Easter Term*  
Hargrave v. Hargrave (F D,  
C) 3rd C D, *Easter Term*  
Augarand v. Parry (pt. heard)  
3rd C D  
Lord Nelson v. Lord Bridport  
(F D, C, Ptn)  
Barnes v. Hastings  
Clark v. Chuck 3rd C D  
Bagshaw v. Parker } 3rd C D  
Same v. Same  
Hamilton v. Samler  
Samler v. Hamilton  
Howard v. Howard  
Att.-Gen. v. Magdalen Col-  
lege, Oxford  
Feistel v. King's College  
Alifree v. Alifree  
Same v. Same  
Willis v. Douglas (part heard)  
Baker v. Gibson } (F D, C,  
Same v. Pearson } M  
Oasely v. Anstruther (E, 3  
sets, F D, C)  
Hubbard v. Young } (F D, C,  
Drewry v. Davies } Ptn  
Same v. Drewry  
Stratford v. Retson (F D, C)  
Woods v. Wood (Ptn) S O, Sh  
Stourton v. Jerningham To  
*present petition*  
Kendall v. Granger  
Samel v. Same } (F D, C)  
Same v. Carthew  
Thompson v. Clive  
Pole v. Wakeman  
Hills v. Nash  
Elderton v. Lock  
Att.-Gen. v. Churchill  
Williams v. Griffiths  
Counsel v. Ward  
Perring v. Ward  
Pooley v. Majoribanks  
Same v. Walbrook  
Madeley v. Harborne  
Richardson v. Hastings  
Wheatley v. Wheatley  
Kilner v. Leach } (F D, C)  
Kilner v. Day  
Turner v. Hudson  
Same v. Same } (F D,  
Same v. Scott } C  
Same v. Greatwick  
Gardler v. Gardler (F D, C)  
Pattison v. Hawkesworth  
Cossens v. Green  
Plestone v. Corabloom  
Kerr v. Gillespie  
Fryer v. Andrews  
Coles v. Forrest  
Same v. Same  
Ward v. Same  
Fortaism v. Shaeckel

Davis v. Roberts  
Roberts v. Davis  
Syms v. Lee  
Corageo v. Same  
Same v. Vink  
Judson v. Hawkins  
Howard v. Prince  
Same v. Stapelton  
Wood v. Swann  
Humble v. Fenwick  
Wiggins v. Pappin  
Same v. Clarke  
Same v. Pappin  
Same v. Mariot  
Carlisle v. Morris } (E, F D,  
Same v. Same } C  
Bowden v. Avery  
Att.-Gen. v. East Ret-  
ford } (F D,  
Same v. Mould } C,  
Same v. Parker } Ptn  
Trotter v. Walsley  
Att.-Gen. v. Wright (F D, C)  
Same v. Same (Supplem. bill)  
Att.-Gen. v. Corporation of  
Leicester (F D, C)  
Kirtou v. Lyne (F D, C)  
Brown v. Selby  
Att.-Gen. v. Gibbs (F D, C)  
Gordon v. Abdy (F D, C)  
Mason v. Upton  
Baker v. Bayldon  
Same v. Addey  
Webb v. Earl Shaftesbury  
Earl Shaftesbury v. Ar-  
rowsmith  
Same v. Ponsonby  
Ponsonby v. Same  
Same v. Graham  
Same v. Ponsonby  
Same v. Same  
Same v. Lord Kinnaird  
Same v. Same  
Same v. Baron de Mauley  
Coombes v. Stewart  
Att.-Gen. v. Day } (F D, C)  
Same v. Johnson }  
Lord Mostyn v. Spencer } (E)  
Same v. Same  
Att.-Gen. v. Curtis  
Barton v. Mills (F D, C)  
Peters v. Peters  
M'Farlane v.  
M'Farlane } (F D, C)  
Same v. Weshart  
Lane v. Hardwicke } (F D, C)  
Same v. Goodyear  
Skipper v. King  
Lee v. Lockhart  
Wild v. Same  
Lee v. Hardy  
Wild v. Same } (F D, C)  
Same v. Dawson  
Same v. Longton  
Same v. Thornton

**New Causes.**

Fearnside v. Fearn  
Same v. Kynaston  
Lantour v. Majoribanks  
Same v. Lantour  
Blagrove v. Blagrove  
Same v. Same  
Dowding v. Bartley  
Same v. Same  
Same v. Same  
Fussell v. Same  
Same v. Dowding  
Same v. Bartley  
Same v. Dowding } (F D, C)

Watson v. Davis } Same v. Chester } Thorp v. Harvey } Lubbock v. Chapman } (F D, Same v. Lubbock } C) Wilkinson v. Charlesworth (F D, C)	Smith v. Earl Effingham (F D, C) Same v. Same Suppl. suit Pares v. Miles (F D, C) Jennings v. Mules (F D, C) Norris v. Faint } Sd Tween v. Same }
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### Court of Queen's Bench.

CROWN PAPER, HILARY TERM, 1847.

For Saturday, Jan. 16.

Yorkshire ....	Ryalls v. Reg. (in error).
Surrey .....	Reg. v. Inhabitants of Crondall, Hants, (part heard).
Middlesex ....	Westbrook & ors.
Carnarvonshire ..	Churchwardens, &c. of Bangor.
Middlesex ....	Inhabitants of St. Anne, Westminster.
Same .....	Same.
Worcestershire ..	Inhabitants of St. Peter, Droitwich.
London .....	Bateman.
Devonshire ...	Inhabitants of East Stonehouse.
Same .....	Inhabs. of Widecomb-in-the-Moor.
England .....	South-eastern Railway Company.
Ely .....	Inhabitants of Mendham.
Lancashire ....	Inhabitants of Blackburn.
Carnarvonshire ..	Churchwardens of Bangor.
Kent .....	Everest.
Yorkshire .....	Inhabitants of Marton-cum-Grafton.
Devonshire ...	Inhabitants of Landkey.
Backinghamsh. ...	Great Western Railway Company.
Same .....	Same.
Lincolnshire ..	Inhabitants of Clixby.
Bolton .....	Shipperbottom.
Surrey .....	Churchwardens of St. George the Martyr, Southwark.
Same .....	Same.
Monmouthshire ..	Inhabitants of Hartbury.
Gloucestershire ..	Collins.
Dorsetshire ...	Inhabitants of Halesowen.
Lancashire ....	Overseers of the Poor of the townships in the Oldham Union.
Yorkshire ....	Justices of the West Riding.
Somersetshire ..	Richardson.
London .....	Douglass.
Warwickshire ..	Phillips & an.
Gloucestershire ..	Inhabitants of Alderley.
Lancashire ....	Grimshaw.
Carnarvonshire ..	Inhabitants of Rhosecolyn.
Essex .....	Inhabitants of Shalford.
Surrey .....	Inhabitants of St. Giles-in-the-Fields, Middlesex.
Middlesex ....	Inhabs. of St. George, Bloomsbury.
Yorkshire .....	Inhabitants of Stainforth.
Cornwall .....	Inhabitants of Mylor.
Middlesex ....	Inhabitants of St. Clement's Danes.
Cheeshire .....	Inhabitants of Dukinfield.
Lancashire ....	Inhabitants of Leeds.
Middlesex ....	Belton.
Same .....	Saffrey.
Same .....	Myers.
Backinghamsh. ...	Churchwardens of Ashe.
Middlesex ....	Inhabitants of Hammersmith.
Cheeshire .....	Thompson.
Liverpool ....	Same.
Cheeshire .....	Macclesfield.
Staffordshire ..	Keen.
Carnarvonshire ..	Inhabitants of Holywell.
Cornwall .....	Nicholas.
Worcestershire ..	Commissioners of the Town of Dudley.
Monmouthshire ..	Turk.

### Court of Common Pleas.

NEW TRIALS.

TRINITY TERM, 1846.	Midd.—Parsons v. Sexton
Midd.—Lane v. Dixon	„ Wotner v. Sharp
MICH. TERM, 1846.	„ Parratt v. Blunt
Midd.—Pater v. Baker	„ Elderton v. Emmens
„ Cameron v. Winch	„ Shaw v. Clarkson

Lond.—Brown v. De Winton	Surrey.—Collins v. Newstead
„ Heartley v. Cum-mings	„ King v. Norman
„ Same v. Same	„ Coaling v. Cox
„ Baker v. Plaskett	Livpl.—Tuckey v. Hawkins
„ Phillips v. Nairne	„ Winch v. Hamilton
„ Von Melle v. Higgs	Newcas.—Lambert v. Knill
„ Mollett v. Wacker-barth	Devon.—Young v. Grove
„ Angle v. Gilpin	Corn.—Ricketts v. Bennett
„ Maxey v. Thomas	„ Doe d. Lord v. Crago
Berks.—Pryce v. Belcher	„ Coope v. Cayzer
Essex.—Daines v. Heath	Derby.—Coze v. Glas
Kent.—Barker v. Stead	„ Same v. Saint
Surrey.—Dawson v. Morrison	„ Same v. Mowley
„ Stead v. Anderson	„ Batho v. Bathyan
	Warw.—Valpey v. Sanders
	„ Tunnicliff v. Teld

### ENLARGED RULES.

To 5th Day.	Ricketts v. Bowhay
Newton v. Boodle	Same v. Same
In the matter of Sir G. Stephen, Knt.	To 6th Day.
	Matthews v. Leapingwell

### DEMURRER PAPER.

Friday, Jan. 15.	Cundell v. Dawson
Whitting v. Des Anges & an.	Joll v. Viscount Curson
Jenkinson & an. v. Raphael	Hollier v. Laurie & an.
Dixon, jun. v. Clark	Battershell v. Bishop of Winchester
Clark v. Allatt	Ring & ors. v. Newman
Ablett v. Clarke	
West v. Nibbs	Wednesday, Jan. 20.
Scott v. Berkley	Fearn v. Cochrane
Chadwick v. Herapath	Capel v. Jones
Francis v. Dodsworth	Hunt v. Shaw
Richardson v. Tubbs	Nye v. Roach
Crompton v. Hunter	Webb v. Hurrell
Webb v. Hurrell	

### CUR. ADV. VULT.

Patterson v. Holland, (to stand over till the sci. fa. in Q. B. is disposed of)	Nias v. Davies
Roberts v. Graneisen	Boyson v. Gibson
Rich v. Basterfield	Doe d. Phillips v. Rollings
Doe d. Harrison v. Hampson	Brown v. Mallett
	Ireland v. Thomson
	Clark v. Smith

### APPEAL CASES.

No.	County.	Appellant.	Respondent.
5.	Monmouth .....	Woollett	Davies
12.	Worcester, City of ..	Waters	Lippitt & others
14.	London .....	Price	Luckett
15.	„	Holste	Ditto
16.	Worcester, City of ..	Bedford	Ings
17.	Brecon, Borough of ..	Powell	Price
18.	Nottingham. (North)	Ackroyd	Lees
19.	Bewdley, Borough of ..	Allen	Greenall
20.	Cumberland .....	Elliot	St. Mary Within (Overseen)
21.	Westminster, City of ..	Barry	Score
22.	Newport, Borough of Isle of Wight	Pring	Estcourt
23.	Monmouth, County of Wanklyn	Woollett	

### Court of Exchequer.

SITTINGS—HILARY TERM, 1847.

	Banc.	Nisi Prius.
Monday .. Jan. 11	{ Peremptory Paper after Motions	.....
Tuesday .....	12 Do. before Motions	Midd. 1st Sitting
Wednesday .....	13	.....
Thursday .....	14 Circuits chosen	.....
Friday .....	15	.....
Saturday .....	16	.....
Monday .....	18 Special Paper	London 1st Sitting
Tuesday .....	19 Errors	.....
Wednesday ..	20 Special Paper	Midd. 2nd Sitting

	<i>Banc.</i>	<i>Nisi Prius.</i>
Thursday .....	21	.....
Friday .....	22	.....
Saturday .....	23	.....
Monday .....	25	Special Paper
Tuesday .....	26	.....
Wednesday .....	27	Special Paper
Thursday .....	28	.....
Friday .....	29	.....
Saturday .....	30	.....
Monday .. Feb. 1	.....	.....

Lewis v. Puxley—Sp. C.	Holford v. Body—Sp. C.
Potter & ors. v. Cyton—D.	Carter v. Flower—D.
Jones v. Jones—D.	Duke v. Dive—D.
Evans v. Upshur—Sp. C.	Galsworthy v. Strutt—D.
Wright v. Webb—D. (Part heard 5th Dec. 1846).	Hammond v. Peacock—Sp. C.
De Beauvoir v. Rushout—D.	Shuttleworth v. Williamson—D.
Washbourn v. Burrows—D.	Hills v. Kitching—D.
Bromage v. Lloyd—D.	Harris v. Wall—Sp. C.
Forster v. Becke—D.	Goods v. Burton—D.

## NEW TRIAL PAPER FOR HILARY TERM, 1847.

## FOR JUDGMENT.

*Moved Easter Term, 1846.*  
Liverpool.—Omerod v. Chadwick

Chester—Pott v. Clegg

## FOR ARGUMENT.

*Moved Easter Term, 1846.*  
Chester—Chamberlaine v. The Chester and Birkenhead Rail. Co.

*Moved Mich. Term, 1846.*

Midd.—Richardson v. Doyle

" Clark v. Bell

" Ellaby v. Saunders

" Burton v. Revell

" Welby v. Brown

Lond.—Samuel v. Robinson

" Dixon v. Westlake

" May v. Chapman

" Rivitt v. Wood

Midd.—Brown v. Troup

Guildfd.—Wright v. Webb

" Bailey v. Stevenson

Bedfd.—Henshaw v. Moreton

Devizes.—Robertson v. Gantlett

Exeter.—Carlile v. Mander

" Phesey v. Vicary

Wells.—Doe d. Welch & ors.

" v. Langfield

" Payne v. Hayne

Bristol.—Doe d. Chidgey v. Harris

Bala.—Doe d. Cadwallader v. Price

Ruthin.—Doe d. Hall v. Mouldale

Berks.—Owen v. De Beauvoir

Worcest.—Bellamy v. Burch

" Nash v. Hemming

" Moore v. Gardner

Hereford.—Jones v. Jones

Monmouth.—Rees v. Prothero

Gloucst.—Townshend v. Syms

" Doe d. Wood v. Wilkins

Lincoln.—Burnaby v. Rollitt

" Stockdale v. Merrifield

Derby.—Harrison v. Heaton

" Frost v. Stanly

Warwk.—Sturge v. Hall

" Goodwin v. Fisher

York.—Skelbeck v. V. Vyver

" Wingfield v. Marston

" Shaw v. Rowley

Durham.—Webb v. Watts

Livrp.—Humberston v. Jones

" Schuster v. Cooper

" Haynes v. Butterworth

" Sleddon v. Dixon

" Smith v. Fisher

*Moved after the fourth day of Mich. Term, 1846.*

Midd.—Meredith v. Holman

" Same v. Same

" Iveney v. Marks

## PEREMPTORY PAPER.

*To be called on the first Day of Term after the Motions, and to be proceeded with the next Day, if necessary, before Motions.*

Dawson v. Waite  
Boyd v. Podmore  
Same v. Booth  
Same v. Maddocks  
Doe d. Fox v. Bagshaw  
Rees v. Waters

Smith v. Temperley  
Dawson v. Molyneux  
Van Patten v. Ruyssenaers  
Duncan v. Wright  
Peters v. Dobson

## SPECIAL PAPER.

## FOR JUDGMENT.

Duncan v. Benson—D.  
(Heard 2nd June, 1845).  
Ashley v. Pratt—Sp. C.  
(Heard 27th April, 1846).  
Monypenny v. Dering—S. C.  
(Heard 5th May, 1846).  
Pardoe v. Price—Sp. C.  
(Heard 27th May, 1846).  
Pilkington v. Cooke—D.  
(Heard 3rd July, 1846).  
Haigh v. Jaggar—D.  
(Heard 18th Nov. 1846).  
Price, sen. v. Price, jun.—D.  
(Heard 5th Dec. 1846).

## FOR ARGUMENT.

Griffiths v. Pike—D.  
(To stand over until sp. case settled)  
Chilton v. The London and Croydon Railway Co.—D.  
(Part heard 27th Nov. 1846).  
Spry v. Gallop—Sp. C.  
Price v. The Great Western Railway Co.—Sp. C.  
Brown v. Byers—Sp. C.  
Hamett v. Maitland—D. (Part heard 28th Nov. 1846)  
Doe d. Knight v. Chaffey, jun.—Sp. C.

## COMMON-LAW SITTINGS, IN AND AFTER HILARY TERM, 1847.

## Court of Queen's Bench.

MIDDLESEX.—*In Term.*

1st sitting .. Tuesday .. Jan. 12, and two following days, at 11.  
2nd ditto .. Friday .. 15, and subsequent days, at 11.  
3rd ditto .. Friday .. 29, at half-past 9 precisely (for undefended causes only).

*After Term.*—Tuesday, Feb. 2.

A list of such remanets as appear fit to be tried in term will be printed immediately; but on the statement of either side that a cause is too long to be tried in term, it will be withdrawn from such list, provided the other side have two days' notice of the application at the Marshal's to postpone, and do not oppose the application on good grounds. The usual number of completed and new causes will be put into the list day by day in their usual order.

LONDON.—*In Term.*

Sitting at 10, on Saturday, Jan. 30, for undefended causes, and such as the judge considers fit to be taken.

*After Term.*—Wednesday, Feb. 3, to adjourn.

## Court of Common Pleas.

*In Term.*

## MIDDLESEX.

Friday .. Jan. 15 | Wednesday .. Jan. 20  
Friday .. 22 | Wednesday .. 27

*After Term.*

Tuesday .. Feb. 2 | Wednesday .. Feb. 3

The court will sit at ten o'clock in the forenoon on each of the days in term, and at half-past nine precisely on each of the days after term.

The causes in the list for each of the above sitting days in term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.

On Wednesday, the 3rd February, in London, no causes will be tried, but the court will adjourn to a future day.

## Exchequer of Pleas.

*In Term.*

## MIDDLESEX.

1st sitting, Tuesday .. Jan. 12 | 1st sitting, Monday .. Jan. 18  
2nd sitting, Wednesday .. 20 | 2nd sitting, Monday .. 25  
3rd sitting, Tuesday .. 26

## LONDON.

*After Term.*

Tuesday .. Feb. 2 | Wednesday .. Feb. 3  
(To adjourn only).

The court will sit in Middlesex, at Nisi Prius, in term, by adjournment, from day to day, until the causes entered for the respective Middlesex Sittings are disposed of.

The court will sit, during and after term, at ten o'clock.

**MASTERS IN CHANCERY.**—The Lord Chancellor has appointed the following gentlemen Masters Extraordinary in the high Court of Chancery:—John Musgrave, of Whitehaven, Cumberland; Charles Bishop, Llandovery, Carmarthenshire; John Sanderson, Liverpool; John Lane the younger, Stratford-upon-Avon.

## London Gazette.

TUESDAY, JANUARY 5.

## BANKRUPTS.

**MATTHEW CHROME JOHNSTONE**, Lamb's Conduit-st., Middlesex, draper, dealer and chapman, Jan. 14 at 1, and Feb. 18 at 11, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Sole & Turner, Aldermanbury.—Fiat dated Dec. 16.

**WILLIAM RICHARDS**, Old-street, Middlesex, retailer of beer, Jan. 13 at 12, and Feb. 4 at half-past 12, Court of Bankruptcy, London: Off. Ass. Green; Sols. Palmer & Co., Bedford-row.—Fiat dated Dec. 29.

**EDMUND SNOWDEN**, Alton, Southampton, painter, plumber, and glazier, Jan. 14 at half-past 1, and Feb. 13 at 11, Court of Bankruptcy, London: Off. Ass. Follett; Sols. Prickett, Oldham; Bridger & Co., London-wall.—Fiat dated Dec. 31.

**JOHN TERRY**, Wych-st., Strand, Middlesex, licensed victualler, Jan. 14 at half-past 12, and Feb. 18 at 1, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Taylor, Moorgate-street.—Fiat dated Jan. 4.

**JOHN DAVIS**, Tewkesbury, Gloucestershire, hosier and haberdasher, Jan. 18 at 12, and Feb. 16 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sols. Chandler & Badham, Tewkesbury; Peters & Abbot, Bristol.—Fiat dated Dec. 31.

**HENRY GREEN**, Birmingham, button manufacturer, Jan. 9 and Jan. 30 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sol. Harding, Birmingham.—Fiat dated Dec. 17.

## MEETINGS.

*Wm. Guy Boucher*, Stepney-green, Middlesex, merchant, Jan. 18 at 11, Court of Bankruptcy, London, ch. ass.—*Ed. Boulit*, Isaleworth, Middlesex, grocer, Jan. 19 at 11, Court of Bankruptcy, London, last ex.—*Ed. Hopewell* and *Anthony Thacker*, Leadenhall-st., London, outfitters, Jan. 12 at 12, Court of Bankruptcy, London, last ex.; Jan. 27 at 1, aud. ac.—*Ed. Garbett*, Skinner's-place, Sise-lane, London, banker, Jan. 20 at 12, Court of Bankruptcy, London, last ex.—*Chas. Jungmichel*, Austin-friars, London, merchant, Jan. 21 at 12, Court of Bankruptcy, London, last ex.—*Wm. Sutcliffe*, Lawrence-lane, London, warehouseman, Jan. 27 at half-past 11, Court of Bankruptcy, London, aud. ac.—*Wm. Pannell*, High-street, Poplar, Middlesex, grocer and cheesemonger, Jan. 28 at 11, Court of Bankruptcy, London, aud. ac.—*George Augustus Cavendish*, Church-end, Finchley, Middlesex, clerk in the employ of army agents, Jan. 28 at 11, Court of Bankruptcy, London, aud. ac.—*Hen. Browne*, Ferdinand-terrace, Hampstead-road, Middlesex, surgeon, Jan. 28 at half-past 11, Court of Bankruptcy, London, aud. ac.—*Henry Woolcott*, Museum-st., Bloomsbury, Middlesex, fringe manufacturer, Jan. 28 at 12, Court of Bankruptcy, London, aud. ac.—*James Harris*, Leadenhall-market, London, butcher, Jan. 28 at 12, Court of Bankruptcy, London, aud. ac.—*Thos. L. Powell*, Romsey, Hampshire, cabinet maker, Jan. 29 at 12, Court of Bankruptcy, London, aud. ac.—*James Plumley*, Reading, Berkshire, stone mason, Jan. 27 at 12, Court of Bankruptcy, London, aud. ac.—*William Hodges*, Kingsgate-st., Holborn, Middlesex, cloth worker, Jan. 26 at 11, Court of Bankruptcy, London, aud. ac.—*Thos. Bradbridge*, Wardour-st., Soho, Middlesex, cheesemonger, Jan. 27 at half-past 12, Court of Bankruptcy, London, aud. ac.—*Geo. England*, Brimscombe, Minchinhampton, Gloucestershire, clothier, and Basinghall-st., London, cloth fester, Feb. 2 at 11, District Court of Bankruptcy, Bristol, aud. ac.; Feb. 4 at 11, div.—*Rich. W. Openshaw*, Prestwich, Prestwich-cum-Oldham, Lancashire, common brewer, Jan. 28 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*Jane Wright*, widow, Manchester, licensed victualler, Jan. 28 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*Wm. E. Oldham*, Manchester, commission agent, Jan. 28 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*Thos. Marsh*, Camomile-st., Bishopsgate-st., London, cabinet manufacturer, Jan. 28 at 11, Court of Bankruptcy, London, aud. ac.—*Wm. Bonella*, Pollard's-row, Bethnal-green, Middlesex, out of business, Jan. 28 at 11, Court of Bankruptcy, London, aud. ac.—*Rich. Stanning*, Fetter-lane, London, surgeon, Jan. 28 at 2, Court of Bankruptcy, London, aud. ac.—

*Hen. Flower*, Barge-yard-chambers, Bucklersbury, London, and Regent-sq., St. Pancras, Middlesex, bookseller, Jan. 27 at 1, Court of Bankruptcy, London, aud. ac.—*W. Griffiths*, Great Malvern, Worcestershire, draper, Feb. 9 at 12, District Court of Bankruptcy, Birmingham, aud. ac. and div.—*Hen. J. Palmer*, Wantage, Berkshire, grocer, Jan. 28 at 12, Court of Bankruptcy, London, div.—*Thos. Thompson*, Brighton, Sussex, grocer, Jan. 26 at 1, Court of Bankruptcy, London, div.—*John Rumsey*, Dean-street, Shadwell, Middlesex, glue piece maker, Jan. 27 at 12, Court of Bankruptcy, London, div.—*Stephen Unwin* the elder, *Fisher Unwin*, and *Stephen Unwin* the younger, Coggeshall, Essex, woolstaplers, Jan. 28 at 1, Court of Bankruptcy, London, div.

## CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on the Day of Meeting.*

*Neville Smith*, Fleet-street, London, printer, Jan. 27 at 11, Court of Bankruptcy, London.—*Wm. Elliott*, Petworth, Sussex, corn merchant, Jan. 21 at 1, Court of Bankruptcy, London.—*H. Flower*, Barge-yard-chambers, Bucklersbury, London, and Regent-square, St. Pancras, Middlesex, bookseller, Jan. 27 at 1, Court of Bankruptcy, London.—*John H. Bedford*, Bristol, artists' colourman, Jan. 28 at 11, District Court of Bankruptcy, Bristol.—*Thomas Little*, Kingston-upon-Hull, tobacco manufacturer, Jan. 27 at 10, District Court of Bankruptcy, Kingston-upon-Hull.—*John Brown*, Bubwith, near Howden, and *T. Brown*, Newport, Eastington, both in Yorkshire, brick makers, Jan. 27 at 10, District Court of Bankruptcy, Kingston-upon-Hull.—*Rich. Cripps Lloyd*, Liverpool, painter, Jan. 26 at 11, District Court of Bankruptcy, Liverpool.—*Joseph Howard Freeman*, Birmingham, builder, Jan. 27 at 11, District Court of Bankruptcy, Birmingham.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before Jan. 26.*

*Henry Charles*, Manchester, commission agent.—*Thos. D. Weaver*, Liverpool, ship broker.—*Rich. Faulkes*, Soughton, Northop, Flintshire, cattle salesman.—*E. Williams*, Northop, Flintshire, draper.—*Henry Liptrot*, Wrexham, Denbighshire, bootmaker.—*John Birch*, Kingston-upon-Hull, tailor.—*Thos. Hutchinson*, Sunderland and Wingate, Durham, tea dealer.—*Samuel Roden*, Wellington, Shropshire, retail brewer.—*Fred. Both Stacy*, Lawrence-lane, Cheapside, London, warehouseman.—*John Tassell*, Norwich, carpenter.

## PARTNERSHIPS DISSOLVED.

*Richard Wilson* and *Edw. Turnbull*, Hartlepool, Durham, attorneys at law and solicitors in Chancery.—*Fred. J. Walther* and *Rich. Walkhaw*, Furnival's-inn, London, solicitors.—*Th. Ferrand Dearden* and *J. Molesworth*, Rochdale, Lancashire, attorneys at law, solicitors, and conveyancers.

## SCOTCH SEQUESTRATIONS.

*Wm. Clarke*, Dundee, tea merchant.—*John Thomson*, Inverness, accountant.—*Robert Hendry*, Paisley, grocer.—*Peter Stirling*, Glasgow, surgeon.—*Wm. Noble*, junior, Largs, candle maker.—*Wm. Lauder* and *John Lauder*, Edinburgh, leather manufacturers.

## INSOLVENT DEBTORS.

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*John Marchant Wilkins*, Frome Selwood, Somersetshire, shoemaker, Jan. 15 at 11, District Court of Bankruptcy, Bristol.—*George Dacombe*, Walcot, Somersetshire, carpenter, Jan. 21 at half-past 11, District Court of Bankruptcy, Bristol.—*Thomas Fletcher* the younger, Wavertree, near Liverpool, in no business, Jan. 13 at 11, District Court of Bankruptcy, Liverpool.—*Jesse Hardy*, Hulme, Manchester, timber dealer, Jan. 15 at 12, District Court of Bankruptcy, Manchester.—*William Lewis*, Staunton-upon-Arrow, Herefordshire, farmer, Jan. 12 at 11, District Court of Bankruptcy, Birmingham.—*George Taverner*, Exeter, butcher, Jan. 14 at 1, District Court of Bankruptcy, Exeter.

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*Wednesday, Dec. 30.*

*(On their own Petitions.)*

*Henry Harris*, Hendre-road, Old Kent-road, Surrey, dealer in hay: in the Queen's Prison.—*Joseph Bennett*, Hackney-



road, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Jabez Edwards*, Pomesey-street, New-cross, Old Kent-road, Surrey, carpenter: in the Queen's Prison.—*Thomas Berrell Skyrme*, Bartholomew-close, London, general commission agent: in the Debtors Prison for London and Middlesex.—*Wm. Parvlew*, North-row, Grosvener-square, Middlesex, corn dealer: in the Debtors Prison for London and Middlesex.—*Wm. Tobias Croce*, Brewer-st., Somers'-town, Middlesex, tobacconist: in the Debtors Prison for London and Middlesex.—*James Anderson*, Northampton-place, Old Kent-road, Surrey, baker: in the Gaol of Surrey.—*J. Hankinson*, Parr, near St. Helen's, Lancashire, farmer: in the Gaol of Lancaster.—*Joseph Sharpe*, Ashton-under-Lyne, Lancashire, shopman: in the Gaol of Lancaster.—*Thos. Townsend*, Bicester, Oxfordshire, wheelwright: in the Gaol of Oxford.

*Saturday, Jan. 2.*

*(On their own Petitions).*

*Philip Page*, Prong's-place, Fulham-rd., Middlesex, baker: in the Debtors Prison for London and Middlesex.—*Stephen Horncastle Geldard*, Earl-street, Market-street, Borough-rd., Southwark, Surrey, shopkeeper: in the Gaol of Surrey.—*George Nicholson* the younger, York: in the Gaol of York.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Tuesday, Jan. 19, at 9.*

*Daniel Clark*, Brett's-buildings, Camberwell, Surrey, house decorator.—*Edward Morgan*, Homer-street, Marylebone, Middlesex, agent.—*Joseph Mould*, Goswell-street, Middlesex, and Cophall-chambers, Throgmorton-st., London, accountant.

## FRIDAY, JAN. 8.

### BANKRUPTS.

**JOHN FITNESS**, Addington, Kent, bricklayer, grocer, and general shopkeeper, Jan. 15 at 1, and Feb. 12 at 12, Court of Bankruptcy, London: Off. Ass. Belcher; Sols. Bower & Son, Chancery-lane.—Fiat dated Dec. 23.

**WILLIAM RICHARD BARNARD**, Midhurst, Sussex, upholsterer, Jan. 15 at 2, and Feb. 19 at 11, Court of Bankruptcy, London: Off. Ass. Cannan; Sol. Galeworthy, Ely-place, Holborn.—Fiat dated Dec. 31.

**FRANCIS HENRY BOURQUIN**, Northampton-square, Clerkenwell, Middlesex, watch manufacturer and importer, Jan. 29 and Feb. 19 at 12, Court of Bankruptcy, London: Off. Ass. Cannan; Sol. Spyer, Broad-street-buildings.—Fiat dated Jan. 4.

**JAMES BOHN**, St. James-st., Middlesex, bookseller, dealer and chapman, Jan. 22 at half-past 12, and Feb. 19 at 11, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Dickson & Overbury, Frederick's-place, Old Jewry.—Fiat dated Jan. 4.

**WILLIAM JOHNSON**, High-st., Hampstead, Middlesex, builder, carpenter, and undertaker, dealer and chapman, Jan. 13 at half-past 1, and Feb. 18 at half-past 12, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Lawrance & Plews, Old Jewry-chambers.—Fiat dated Jan. 4.

**HENRY FISHER**, Great Tower-st., London, broker, dealer and chapman, Jan. 21 at half-past 1, and Feb. 18 at half-past 11, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Taylor, Fenchurch-st., London.—Fiat dated Jan. 4.

**EDMUND MASTERS IVENS**, Long Itchington, Warwickshire, salesman, Jan. 19 and Feb. 23 at half-past 12, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sol. Ratilaw, Rugby.—Fiat dated Dec. 28.

**JOHN CORBETT**, Mansfield, Nottinghamshire, wool dealer, dealer and chapman, Jan. 22 and Feb. 12 at 11, District Court of Bankruptcy, Sheffield: Off. Ass. Freeman; Sols. Bowley, Nottingham; Johnson & Co., Temple, London.—Fiat dated Dec. 23.

**ANDREW DAWN**, Mansfield, Nottinghamshire, draper, hatter, dealer and chapman, Jan. 22 and Feb. 12 at 11, District Court of Bankruptcy, Sheffield: Off. Ass. Freeman; Sols. Bowley, Nottingham; Johnson & Co., Temple, London.—Fiat dated Jan. 4.

**WILLIAM BOTTOMLEY**, Honley, Almondsbury, Yorkshire, millwright, Jan. 22 and Feb. 9 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Floyd, Huddersfield; Sudlow & Co., Chancery-lane, London.—Fiat dated Dec. 23.

**RICHARD MORRIS**, Gloucester, coach builder and livery-stable keeper, dealer and chapman, Jan. 22 and Feb. 23 at 1, District Court of Bankruptcy, Bristol: Off. Ass. Millar; Sol. Wilkes, Gloucester.—Fiat dated Dec. 21.

**CHARLES EDMONDSTONE**, Over Darwen, Lancashire, paper manufacturer, bleacher, finisher, coal dealer, dealer and chapman, Jan. 20 and Feb. 15 at 11, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Sele & Co., Manchester; Reed & Langford, Friday-st., Cheapside, London.—Fiat dated Dec. 26.

**WILLIAM FERRIES BRAND**, Wigan, Lancashire, draper, dealer and chapman, Jan. 22 at 11, and Feb. 12 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Sale & Co., Manchester; Reed & Langford, Friday-st., Cheapside, London.—Fiat dated Jan. 2.

### MEETINGS.

*Wm. Hodges*, Kinggate-st., Holborn, Middlesex, cloth-worker, Jan. 26 at 11, Court of Bankruptcy, London, last ex.—*Wm. Henry Smith*, Edgeware-road, Middlesex, linen-draper, Jan. 19 at 2, Court of Bankruptcy, London, last ex.—*John Morris*, Crown-st., Finsbury, and Old-st., St. Luke's, Middlesex, leather seller, Jan. 20 at 1, Court of Bankruptcy, London, last ex.—*Henry Mayhew*, Shrubbery, Farnes's-green, Fulham, Middlesex, printer, Jan. 15 at 12, Court of Bankruptcy, London, last ex.—*Rich. Glover*, Mitcham and Morden, Surrey, miller, Jan. 15 at 12, Court of Bankruptcy, London, last ex.—*William Henry Osborn* the younger, St. James's-st., Piccadilly, Middlesex, silversmith, Jan. 14 at 11, Court of Bankruptcy, London, last ex.—*Rich. Nichols* the younger, Birmingham, bookseller, Jan. 30 at half-past 10, District Court of Bankruptcy, Birmingham, last ex.—*Geo. Lewis*, Wrexham, Denbighshire, apothecary, Jan. 20 at 12, District Court of Bankruptcy, Liverpool, last ex.—*John Jenkins*, Blackland-lane, Little Chelsea, Middlesex, dealer in milk, Feb. 11 at 12, Court of Bankruptcy, London, and. ac.—*Chas. Goodwin*, Great Guildford-st., Southwark, Surrey, plaster and cement merchant, Feb. 3 at 1, Court of Bankruptcy, London, and. ac.—*Mary Norgate*, Tavistock-villas, Tavistock-square, St. Pancras, Middlesex, schoolmistress, Feb. 11 at half-past 12, Court of Bankruptcy, London, and. ac.—*Thos. Cress*, Kegworth, Leicestershire, common brewer, Jan. 29 at half-past 10, District Court of Bankruptcy, Birmingham, and. ac.—*Jas. Barrow Bodway*, Birmingham, commission agent, Feb. 9 at 12, District Court of Bankruptcy, Birmingham, and. ac.—*Ed. Williams*, Northop, Flintshire, draper, Jan. 29 at 12, District Court of Bankruptcy, Liverpool, and. ac.—*Jas. Phillips*, *Wm. Hayes*, and *Sam. Hayes*, Manchester, cotton spinners, Feb. 1 at 11, District Court of Bankruptcy, Manchester, and. ac.; Feb. 2 at 11, div. joint and sep. est.—*Richard Allison*, Whitehaven, Cumberland, ironmonger, Jan. 29 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac.—*Thos. Wilson*, Sheffield, Yorkshire, grocer, Jan. 29 at 11, District Court of Bankruptcy, Sheffield, and. ac.; Feb. 5 at 11, div.—*Anneke Collins Fowler*, Louth, Lincolnshire, draper, Jan. 29 at 1, Court of Bankruptcy, London, fn. div.—*David Pattie*, St. Alban's-place, Edgeware-road, Middlesex, stationer, Jan. 29 at half-past 11, Court of Bankruptcy, London, div.—*Hen. Weekot*, Museum-st., Bloomsbury, Middlesex, fringe manufacturer, Jan. 30 at half-past 11, Court of Bankruptcy, London, div.—*Wm. Pennell*, High-st., Poplar, Middlesex, grocer, Jan. 30 at 11, Court of Bankruptcy, London, div.—*James Harris*, Leadenhall-market, London, butcher, Jan. 30 at half-past 11, Court of Bankruptcy, London, div.—*Ed. Green*, Clifford-st., Bond-st., Middlesex, tailor, Jan. 30 at 1, Court of Bankruptcy, London, div.—*Jackson Barwise*, Pall-mall, Middlesex, house decorator, Jan. 30 at 12, Court of Bankruptcy, London, div.—*Geo. Jackson* the younger, Hertford, upholsterer, Jan. 30 at half-past 12, Court of Bankruptcy, London, div.—*Wm. Burton*, King-st., Soho, Middlesex, upholsterer, Jan. 30 at 1, Court of Bankruptcy, London, div.—*J. Elliott*, Chichester, Sussex, builder, Jan. 30 at 1, Court of Bankruptcy, London, div.—*John Marshall*, Birchin-lane, London, merchant, Feb. 1 at 1, Court of Bankruptcy, London, div.—*John Payne*, Bristol, millwright and engineer, Feb. 2 at 11, District Court of Bankruptcy, Bristol, div.—*Richard Walker Openshaw*, Prestwich, Oldham, Lancashire, common brewer, Jan. 29 at 12, District Court of Bankruptcy, Manchester, div.—*Wm. Edwin Oldham*, Manchester, commission agent, Jan. 29 at 12, District Court of Bankruptcy, Manches-

ter, div.—*Jane Wright*, Manchester, widow, licensed victualler, Jan. 29 at 12, District Court of Bankruptcy, Manchester, div.—*George Barton* and *John Barton*, Manchester, copper roller manufacturers, Jan. 19 at 11, District Court of Bankruptcy, Manchester, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*Thomas Henry Skelton*, Southampton, stationer, Feb. 4 at 1, Court of Bankruptcy, London.—*Thomas Wyatt*, Oxford-terrace, King's-road, Chelsea, Middlesex, builder, Feb. 9 at 11, Court of Bankruptcy, London.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before Jan. 29.*

*John Neale*, Fleet-street, London, printer.—*John Lambert*, New Elvet, Durham, grocer.—*Thomas Russell Creigh*, New-castle-upon-Tyne, cartwright.

#### PARTNERSHIP DISSOLVED.

*H. Selwood* and *J. W. Conington*, Horncastle, Lincolnshire, attorneys and solicitors.

#### SCOTCH SEQUESTRATION.

*Gaunt, Gray, & Co.*, Glasgow and Leek, manufacturers.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Thomas Canaway*, Landport, Portsea, Southampton, Jan. 13 at 2, Court of Bankruptcy, London.—*Wm. Brett Higgs*, Southampton, out of employ, Jan. 13 at 1, Court of Bankruptcy, London.—*John Jarvis*, Museum-street, Bloomsbury, Middlesex, music seller, Jan. 13 at half-past 1, Court of Bankruptcy, London.—*Matthew George Mackness*, Bedford, excise officer, Jan. 21 at 11, Court of Bankruptcy, London.—*John Morris*, Cold Harbour-lane, Camberwell, Surrey, dissenting minister, Jan. 12 at 12, Court of Bankruptcy, London.—*Douglas Irons*, Elliott's-row, St. George's-road, Southwark, Surrey, out of employ, Jan. 21 at 11, Court of Bankruptcy, London.—*John Close*, Stratford, West Ham, Essex, confectioner, Jan. 21 at 12, Court of Bankruptcy, London.—*John Spriggs*, Ipswich, Suffolk, shoemaker, Jan. 22 at 2, Court of Bankruptcy, London.—*Robert Paramor Lee*, Bryan's-place, Caledonian-road, Middlesex, clerk to an attorney, Jan. 21 at half-past 12, Court of Bankruptcy, London.—*Rich. Symms Robinson*, Huntingdon, tailor, Jan. 21 at 11, Court of Bankruptcy, London.—*Wm. Button*, West Malling, Kent, carpenter, Jan. 21 at half-past 11, Court of Bankruptcy, London.—*Edward Farnden*, Long-acre, Middlesex, hatter, Jan. 21 at half-past 11, Court of Bankruptcy, London.—*Richard Her-ridge*, Ramsgate, Kent, grocer, Jan. 28 at 11, Court of Bankruptcy, London.—*Joseph Cliff*, Pelican-cottage, Cambridge-road, Middlesex, builder, Jan. 28 at 12, Court of Bankruptcy, London.—*George Green*, High-street, Fulham, Middlesex, licensed brewer, Jan. 28 at 11, Court of Bankruptcy, London.—*Wm. Hand*, Market Deeping, Lincolnshire, hair dresser, Jan. 28 at 11, Court of Bankruptcy, London.—*Robert Collier Packman*, Langdon-hills, Essex, clerk, Jan. 28 at 11, Court of Bankruptcy, London.—*Wm. Hewer* the younger, Holly-road, and Navarino-grove, Dalston, Middlesex, draper's assistant, Jan. 28 at 12, Court of Bankruptcy, London.—*Ambrose G. Wallis*, Steer's-terrace, Waltham-green, Middlesex, out of employment, Jan. 21 at 11, Court of Bankruptcy, London.—*Henry Case*, Gloucester-place, Kentish-town, Middlesex, architect, Jan. 28 at 12, Court of Bankruptcy, Lon-

don.—*Joseph Howard*, Huddersfield, Yorkshire, fancy manufacturer, Feb. 2 at 11, District Court of Bankruptcy, Leeds.—*John Leach*, Bradford, Yorkshire, dealer in piano fortes, Jan. 26 at 11, District Court of Bankruptcy, Leeds.—*Abraham Charlesworth*, Thongs-bridge, Almondbury, Yorkshire, inn-keeper, Jan. 26 at 11, District Court of Bankruptcy, Leeds.—*Jonas Priestley*, Halifax, Yorkshire, butcher, Jan. 26 at 11, District Court of Bankruptcy, Leeds.—*John Purvis*, Bridlington-quay, Yorkshire, out of business, Jan. 27 at 10, District Court of Bankruptcy, Kingston-upon-Hull.—*Mlingworth Butterfield*, Bradford, Yorkshire, out of employment, Jan. 26 at 11, District Court of Bankruptcy, Leeds.—*Featherstone Greathead*, Kingston-upon-Hull, excise officer, Jan. 27 at 10, Town-hall, Kingston-upon-Hull.—*James Byrom*, Bradford, Yorkshire, journeyman painter, Feb. 9 at 11, District Court of Bankruptcy, Leeds.—*Joseph Hall*, Sowerby-bridge, Halifax, Yorkshire, hotel keeper, Feb. 2 at 11, District Court of Bankruptcy, Leeds.—*J. West Biglin*, Kingston-upon-Hull, out of business, Feb. 3 at 10, Town-hall, Kingston-upon-Hull.—*Edward Ballinger*, Birmingham, baker, Jan. 16 at 11, District Court of Bankruptcy, Birmingham.—*Thomas Judge*, Birmingham, builder, Jan. 13 at half-past 10, District Court of Bankruptcy, Birmingham.—*George Bull*, Birmingham, out of business, Jan. 30 at 11, District Court of Bankruptcy, Birmingham.—*Baziel Hadnit Southam*, Coventry, Warwickshire, licensed victualler, Jan. 26 at 11, District Court of Bankruptcy, Birmingham.

*Wednesday, Jan. 6.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Wm. Shubrick Martin*, Croydon-common, Surrey, out of employ: in the Gaol of Horse-monger-lane.—*Emanuel Phillips*, Little Coram-street, Russell-square, Middlesex, marine-store dealer: in the Debtors Prison for London and Middlesex.—*Gabriel Bennett*, St. George's-market, London-road, Southwark, Surrey, assistant to a butcher: in the Gaol of Horse-monger-lane.—*J. Thos. Edwards*, South-ville, Wandsworth-road, Surrey, builder: in the Gaol of Horse-monger-lane.—*John Burr*, Horsmonden, Kent, woodreeve: in the Gaol of Maidstone.—*Robt. Henry Salmon*, Horsham, Sussex, hotel keeper: in the Gaol of Petworth.—*John Heywood*, Leyland, near Chorley, Lancashire, tailor: in the Gaol of Lancaster.—*Ann Turner*, Great Malvern, Worcestershire, domestic servant: in the Gaol of Worcester.—*J. Dixon Parry*, Pendlebury, near Manchester, share broker: in the Gaol of Lancaster.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Friday, Jan. 22, at 9.*

*George Layland*, Kent-street, Southwark, Surrey, millwright.—*John Dickenson*, Winter-terrace, Newington, Surrey, commission agent.—*Thomas Ward*, Albert-street, Shadwell, Middlesex, lodging-house keeper.—*David Livingston*, Duke-street, Tooley-street, Southwark, Surrey, biscuit baker.

*Jan. 25, at the same hour and place.*

*Wm. Thompson*, Chatham, Kent, grocer.—*James Joss*, Sydenham, Kent, bricklayer.—*Henry Ashton*, Marylebone-street, Piccadilly, and Silver-street, Golden-square, Middlesex, mason.—*Christopher Irving*, York-road, Lambeth, Surrey, civil engineer.

#### INSOLVENT DEBTOR'S DIVIDEND.

*Amelia Hendy*, Thornbury, Gloucestershire, widow, Jan. 11, Rolph's, Thornbury: 7s. 10d. in the pound (in addition to a former of 8s. 6d.).

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